

JOURNAL OF THE HOUSE.

Monday, April 25, 2005.

Met at seven minutes past ten o'clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, we look to You for guidance, wisdom and the intellectual and moral courage to address thoughtfully the content, the proposals and the issues which are contained in the year's 2006 state budget. Inspire us to do what is right and reasonable as we struggle to meet the many needs and the expectations of the people who depend upon our sound legislative judgements. Help us to direct and share our limited material resources in a fair and just manner, so that the people and the common good are well served in these times of change and technological innovation. Let our hearts and minds be filled with hope and a commitment to our personal ideals, goals, principles and religious beliefs. The future of our children and the Commonwealth depend upon our decisions today.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

National Food Drive Day.

Resolutions (filed by Mr. Cabral of New Bedford) on the occasion of the Whaling City Branch 18 of the National Association of Letter Carriers in New Bedford, Dartmouth and Acushnet National Food Drive Day;

Vida Gavin.

Resolutions (filed by Mrs. Gomes of Harwich) congratulating Dr. Vida Gavin on her retirement as superintendent of Chatham Public Schools;

Multiple Sclerosis Week.

Resolutions (filed by Ms. Kaprielian of Watertown) recognizing Multiple Sclerosis Week May 15-21, 2005;

Thomas Brophy.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of Deputy Chief Thomas Brophy;

Ronald Fournier.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of firefighter Ronald Fournier;

Ronald Holloran.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of Lieutenant Ronald Holloran;

William Hudson.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of honoring the memory of Captain William Hudson;

Robert Lemelin, Sr.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of Lieutenant Robert Lemelin, Sr.;

Clifford Lewis.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of Lieutenant Clifford Lewis;

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of the Salem Theatre Company founder artistic Matteo Pangallo;

Matteo Pangallo.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of Local #172 honorary member and former State Representative J. Michael Ruane;

J. Michael Ruane.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the retirement of firefighter/inspector Donald Weston;

Donald Weston.

Resolutions (filed by Messrs. O'Brien of Kingston, Straus of Mattapoisett and Canessa of Lakeville) congratulating Paul Provencher on being named "Man of the Year" by the Kiwanis Club of Middleboro; and

Paul Provencher.

Resolutions (filed by Mr. Speliotis of Danvers) honoring Elizabeth "Libby" Evans Wright;

Elizabeth Evans Wright.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Brien, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Special Communications.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

April 20, 2005.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of April, 2005 for Representative in General Court, Third Berkshire District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of votes for Representative in the Third Berkshire district.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

April 20, 2005.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of April, 2005 for Representative in General Court, Twelfth Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

April 20, 2005.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twelve day of April, 2005 for Representative in General Court, Eighteenth Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

Returns  
of votes for  
Representative  
in the  
Twelfth  
Suffolk  
district.

Returns  
of votes for  
Representative  
in the  
Eighteenth  
Suffolk  
district.

### *Order.*

On motion of Mr. Rushing of Boston,—

*Ordered*, That a special committee be appointed to wait upon His Excellency the Governor and inform him that Representatives-elect Linda Dorcena Forry of the Twelfth Suffolk District, Michael J. Moran of the Eighteenth Suffolk District and Christopher N. Speranzo of the Third Berkshire District are assembled in the Chamber of the House of Representatives and are ready to take the oaths and affirmations of qualification.

Governor  
notified.

Representatives Rushing, St. Fleur of Boston, Honan of Boston, Bosley of North Adams, Smizik of Brookline, Donato of Medford, Flanagan of Leominster, deMacedo of Plymouth, Walz of Boston, Wolf of Cambridge and Canessa of Lakeville were appointed the committee.

Subsequently Mr. Rushing, for the committee, reported that they had attended to the duty assigned them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

### *Members Qualified.*

Soon afterward His Excellency the Governor, Mitt Romney, accompanied by the Honorable William Francis Galvin, Secretary of the Commonwealth, the Honorable A. Joseph DeNucci, Auditor of the Commonwealth, the Honorable Timothy P. Cahill, Treasurer and Receiver-General of the Commonwealth, and members of the Honorable Council came in; the oaths and affirmation required by the Constitution and laws were administered by the Governor to the members-elect then present, and were subscribed by them; after which His Excellency declared that the members were duly qualified to enter upon the discharge of their duties.

Representatives  
Linda Dorcena  
Forry of  
Boston,  
Michael J. Moran  
of  
Boston and  
Christopher N.  
Speranzo of  
Pittsfield, quali-  
fication.

After brief remarks by each newly qualified member, the Speaker assigned Ms. Forry to Seat No. 138, Mr. Moran to Seat No. 79 and Mr. Speranzo to Seat No. 93.

His Excellency the Governor, the Constitutional Officers present, and the Honorable Councillors present then departed the Chamber under escort of the Sergeant-at-Arms.

### *Guests of the House.*

The Speaker then declared a brief recess and introduced Boston City Councillors Maureen E. Feeney, Stephen J. Murphy and Charles C. Yancey. They were the guests of the entire Boston delegation.

Guests  
of the  
House.

### *Recess.*

At five minutes before eleven o'clock A.M., on motion of Mrs. Harkins of Needham, the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

*Papers from the Senate.*

Spencer,  
ballot  
question.

A Bill making special provisions for the placement of certain questions on the town of Spencer annual election ballot (Senate bill printed in House, No. 2929) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Gobi of Spencer, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: "An Act placing certain questions on the annual election ballot in the town of Spencer."

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Carbon  
monoxide  
detectors,  
installation.

Petition (accompanied by bill, Senate, No. 2037) of Therese Murray, Viriato Manuel deMacedo and Thomas J. O'Brien for legislation relative to the installation of carbon monoxide detectors in residential buildings ("Nicole's Law"). To the committee on Public Safety and Homeland Security.

Granby,  
covenant  
release.

Petition (accompanied by bill, Senate, No. 2038) of Brian P. Lees for legislation to provide for a partial release of certain land in the town of Granby from the operation of a non-development covenant. To the committee on Bonding, Capital Expenditures and State Assets.

*Reports of Committees.*

Sandwich,  
tax  
collection.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relating to the collection of taxes in the town of Sandwich (Senate, No. 2026) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Donelan of Orange, the bill was read a second time forthwith; and it was ordered to a third reading.

Michelle  
Sharac,  
sick leave  
bank.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for a certain employee of the Trial Court (House, No. 2799) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Vallee of Franklin, the bill was read a second time forthwith; and it was ordered to a third reading.

Shrewsbury,  
land.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to a

certain parcel of land in the town of Shrewsbury (House, No. 2794) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (House, No. 2795) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Shrewsbury,  
sewage.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bill.*

The engrossed Bill relative to the representative town meeting for the town of Belmont (see House, No. 1725) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of constructing a public safety complex (see House, No. 1726, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Westport,  
conservation  
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),  
yea and nay  
No. 28.

**[See Yea and Nay No. 28 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000) was considered.

General  
Appropriation  
Bill.

General  
Appropriation  
Bill.

After remarks on the question on ordering the bill to a third reading, Mr. Perry of Sandwich and Ms. Gifford of Wareham then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 35. Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 36. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 per cent for taxable years beginning on or after January 1, 2006.”

After debate on the question on adoption of the amendment, Mr. Binienda of Worcester then moved that the amendment be amended in proposed sections 35 and 36 by adding, in each instance, at the end thereof the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue, and, without the further approval of the House and Senate Committees on Ways and Means.”

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 135 members voted in the affirmative and 21 in the negative.

**[See Yeas and Nays No. 29 in Supplement.]**

Therefore the further amendment was adopted.

The amendment offered by Representatives Perry and Gifford, as amended, then also was adopted.

Further  
amendment  
adopted,  
yeas and nays  
No. 29.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following sections:—

“SECTION 37. Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 38. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 per cent for taxable years beginning on or after January 1, 2007.”

After remarks on the question on adoption of the amendment, Mr. Binienda of Worcester then moved that the amendment be amended in proposed sections 37 and 38 by adding, in each instance, at the end thereof the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue, and, without the further approval of the House and Senate Committees on Ways and Means.”

After remarks the further amendment was adopted.

The amendment offered by Mr. Jones and other members of the House, as amended, then also was adopted.

Mr. Jones of North Reading then moved that the bill be amended by adding at the end thereof the following sections:

“SECTION 39. Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

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(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 40. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:-

b) Part B taxable income shall be taxed at the rate of 5.15 percent for the taxable year beginning on January 1, 2006, and shall be taxed at the rate of 5 percent for taxable years beginning on or after January 1, 2007.”

After remarks on the question on adoption of the amendment, Mr. Binienda of Worcester then moved that the amendment be amended in proposed sections 39 and 40 by adding, in each instance, at the end thereof the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Revenue, and, without the further approval of the House and Senate Committees on Ways and Means.”.

The further amendment was adopted.

The amendment offered by Mr. Jones and other members of the House, as amended, then also was adopted; and the bill (House, No. 4000, amended was ordered to a third reading.

Recesses.

At five o’clock P.M., the Chair (Mr. Petrolati of Ludlow) declared a recess until half past five o’clock; and at that time the House was called to order with Mrs. Harkins of Needham in the Chair.

The House thereupon took a further recess, on motion of Mr. Naughton of Clinton, until seven o’clock P.M.; and at sixteen minutes after seven o’clock the House was called to order with Mrs. Harkins in the Chair.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended section 2, in item 1107-2400 by striking out the figures “585,280” and inserting in place thereof the figures “605,280”;

In item 1107-2501 by striking out the figures “1,726,915” and inserting in place thereof the figures “1,746,915”;

By striking out item 4110-1000 and inserting in place thereof the following item:

“4110-1000	For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; and provided further, that not less than \$500,000 shall be expended for the talking information center .....	3,711,958”;
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By striking out item 4120-2000 and inserting in place thereof the following item:

“4120-2000	For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client’s place of residence and the geographic proximity of the nearest provider to said residence; provided further, that not less than \$100,000 shall be expended on special vocational projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston .....	7,476,987”;
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By striking out item 4120-3000 and inserting in place thereof the following item:

“4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for the Charlestown Navy Yard Project for disabled adults in the Charlestown section in the city of Boston .....	7,960,068”;
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By striking out item 4120-4000 and inserting in place thereof the following item:

“4120-4000 For independent living assistance services; provided, that not less than \$200,000 shall be obligated for the SHARE foundation at the University of Massachusetts; provided further, that not less than \$25,000 will be used to assist the Living Independently for Equality, Inc. of Brockton ..... 7,869,714”;

By striking item 4120-6000 and inserting in place thereof the following item:

“4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; provided, that not less than \$50,000 shall be expended for the Cape Cod Head Injury Program located in Hyannis ..... 7,005,515”;

In item 4125-0100 by striking out the figures “5,320,187” and inserting in place thereof the figures “5,373,170”;

In item 5046-2000 by adding at the end thereof the following: “; provided, that not less than \$90,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the city of Lynn”;

In item 5911-2000 by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section in the city of Boston”;

By striking out item 5920-2000 and inserting in place thereof the following item:

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2005 pursuant to item 5920-5000 of section 2 of chapter 149 of the acts of 2004; provided further, that \$8,250,000 shall be expended for the fiscal year 2005 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$5,000,000 shall be expended for the fiscal year 2006 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2006; provided further, that not less than

\$100,000 shall be allocated for Special Olympics for the purpose of unified sports; provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children; and provided further, that not less than \$150,000 shall be expended for Best Buddies Massachusetts ..... 499,419,626”;

In item 5920-2025 by adding at the end thereof the following: “; provided, that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section in the city of Boston”;

In item 5920-3000 by striking out the figures “50,789,967” and inserting in place thereof the figures: “51,289,967”;

By striking out item 5930-1000 and inserting in place thereof the following item:

“5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin Regional Center; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the mentally retarded, hereinafter ‘ICF/MRs’, managed by the department and shall endeavor, within available resources, to discharge clients residing in the ICF/MRs to residential services in the community if the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the report shall include information relative to the status of residents of the Fernald Developmental Center; provided further, that the report shall include: the number of clients transferred from facility care into the community, the community supports provided to clients discharged from facility care into the community and the

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current facility bed capacity relative to the number of clients in ICF/MRs managed by the department; provided further, the report shall also include steps being taken to help minimize increases in travel distances for family members visiting clients at ICF/MRs resulting from the transfer of clients from one ICF/MR to another; provided further, that the department shall submit the report no later than February 15, 2006; provided further, that the department of mental retardation shall submit a plan regarding community transitions from ICF/MRs by January 1, 2006 to the house and senate committees on ways and means; provided further, that said plan shall detail the transition of clients from said school to appropriate settings; provided further, that the plan shall include consideration for the transition of employees of said school into community setting with their clients in order to ensure continuity of service wherever possible; provided further, that said plan shall be subject to the approval of the house and senate committees on ways and means; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item ..... 165,986,286".

Quorum.

Pending the question on adoption of the amendments, Mr. Linsky of Natick asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 30.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

**[See Yea and Nay No. 30 in Supplement.]**

Therefore a quorum was present.  
The amendments then were adopted.

Quorum.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 31.

**[See Yea and Nay No. 31 in Supplement.]**

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 41. The state auditor shall conduct a cost benefit analysis of every report required of state agencies by the legislature. The auditor shall report his findings which shall include: 1) the hours needed to produce the required reports and pay rate of all state employees needed to gather and report the necessary information; provided, that if the information needed for the report is part of the agency's normal management protocols the cost of gathering the information need not be included, 2.) the cost savings associated with each report required of state agencies, 3.) an aggregate cost of the reports, 4.) an aggregate benefit of the reports, and 5) the net cost/benefit to the state associated to all the required reports."

After remarks on the question on adoption of the amendment, the Chair (Mrs. Harkins of Needham placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Suspension  
of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 107 members voted in the affirmative and 48 in the negative.

Rule 1A  
suspended,  
yea and nay  
No. 32.

**[See Yea and Nay No. 32 in Supplement.]**

Therefore Rule 1A was suspended.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 30 members voted in the affirmative and 135 in the negative.

Amendment  
rejected,  
yea and nay  
No. 33.

**[See Yea and Nay No. 33 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 2 by striking out item 0640-0013; and after debate the amendment was rejected

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 0521-0000 and inserting in place thereof the following item:

"0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield, Lawrence and Worcester; provided further, that the registration and education activities may be conducted by community-based voter registration and education

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organizations; and provided further, that the secretary shall submit a report to the house and senate committees on ways and means not later than January 31, 2006 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town ..... 3,676,775”;

In item 0640-0000 by striking out the figures “68,610,397” and inserting in place thereof the figures “68,690,397”;

By striking out item 0710-0000 and inserting in place thereof the following item:

“0710-0000 For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than December 1, 2005 delineating the privatization contracts reviewed and monitored during fiscal year 2005; provided further, that the report shall further detail the number of full-time equivalent positions assigned by the office for the review of each of the privatization contracts; provided further, that not less than \$67,250 shall be expended for the position of executive director of the central artery/third harbor tunnel project oversight coordination commission, as established in section 2B of chapter 205 of the acts of 1996, such that the position may continue to provide administrative and investigative functions to the commission in a manner that is consistent with the said section 2B; and provided further, that the auditor’s office shall pay half of the administrative costs of the municipal finance oversight board from this item; ..... 15,125,688”;

By striking out item 0810-0000 and inserting in place thereof the following item:

“0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that the

public proceedings unit shall review the water rate increases; provided further, that not more than \$240,000 shall be expended for the operation of a child protection unit; provided further, that funds may be expended for the commission on uniform state laws; and provided further, that not more than \$250,000 shall be expended from these funds appropriated in this item for a safe neighborhood initiative-pilot program in the Bowdoin/Geneva area of Dorchester ..... 21,688,002”;

In item 0810-0014 by striking out the figures “1,588,135” and inserting in place thereof the figures “1,537,181”;

In item 0810-0021 by striking out the figures “2,687,349” and inserting in place thereof the figures “2,835,783”;

In item 0810-0045 by striking out the figures “3,020,008” and inserting in place thereof the figures “3,113,637”;

In item 0810-0201 by striking out the figures “1,434,021” and inserting in place thereof the figures “1,454,431”;

In item 0810-0338 by striking out the figures “280,164” and inserting in place thereof the figures “402,297”;

In item 0810-0339 by striking out the figures “280,164” and inserting in place thereof the figures “349,459”.

After debate the amendments were adopted.

#### *Recess.*

At eighteen minutes before ten o’clock P.M. (Monday, April 25), on motion of Mr. Jones of North Reading (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of ten o’clock A.M. on Tuesday, April 26; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

#### **Tuesday, April 26, 2005 (at 10:00 o’clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, the Ultimate Source of Goodness and Truth, we depend upon Your assistance and direction in our efforts to cope with daily stress and the variety of demands which are made upon us as elected officials. In our role as community leaders, teach us to seek truth, Your wisdom, and to speak truth, accurate knowledge, in our dialogue and relationship with You and constituents. Inspire us to respond to current complex legislative issues and ethical challenges by making sound, rational, not merely emotional choices. May our daily legislative and personal goals and priorities remain constant, faithfulness to the Constitution and Your ways for achieving successful living and peace of mind.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.



*Statement Concerning Representative Galvin of Canton.*

A statement of Mr. Kafka of Stoughton concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

Statement  
concerning  
Representative  
Galvin of Canton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Galvin of Canton, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

*Guests of the House.*

Herb Reed  
and the  
Platters.

During the session, Miss Reinstein of Revere took the Chair, declared a brief recess and introduced Herb Reed and the Platters, recent inductees into the Rock and Roll Hall of Fame. After brief remarks by Mr. Reed, the group performed their hit song "Only You", which they first performed 50 years ago. They were the guests of Representatives Reinstein, Casey of Winchester, Connolly of Everett and the entire Black Caucus.

Jeff  
Fraza.

Mr. Petrolati of Ludlow then returned to the Chair, declared a brief recess and introduced Jeff "Hell Raza" Fraza from Haverhill, New England Junior Welterweight Boxing Champ and recent contestant on the reality show "The Contender". Mr. Fraza was the guest of Representatives Dempsey of Haverhill, Stanley of West Newbury and L'Italien of Andover, Senator Baddour and State Auditor A. Joseph DeNucci.

Shannon  
Reeve.

During the session, the Chair (Mr. Petrolati) declared a brief recess and introduced Shannon Gallagher Reeve of Franklin. Mrs. Reeve, the holder of the title "2005 Mrs. Massachusetts" was the guest of Representative Vallee of Franklin.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Gerald  
and Gertrude  
Brillon.

Resolutions (filed by Mr. Lepper of Attleboro) congratulating Mr. and Mrs. Gerald Brillon on the occasion of their sixtieth wedding anniversary;

Child Abuse  
Prevention  
Month.

Resolutions (filed by Representatives Owens-Hicks of Boston, LeDuc of Marlborough and DiMasi of Boston) recognizing Child Abuse Prevention Month; and

Juvenile  
Awareness  
Day.

Resolutions (filed by Mr. Rodrigues of Westport) recognizing Juvenile Awareness Day;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Marzilli of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Paper from the Senate.*

Route 122,  
designation.

A Bill designating a portion of state highway route 122 as a scenic road (Senate, No. 1881, changed in section 1, in the first paragraph, in the first sentence, by adding before the word "Rutland" the

word "Paxton,,"; in said sentence, by striking out the words "and Petersham" and inserting in place thereof the words "Petersham, New Salem and Orange"; and in said section, in the second sentence, by striking out the words "and Rutland and end at the town line of Petersham and New Salem" and inserting in place thereof the words "and Worcester and end at its point in Orange") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bill.*

The engrossed Bill making special provisions for the placement of certain questions on the town of Spencer annual election ballot (see Senate bill printed in House, No. 2929) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Recess.*

At ten minutes after ten o'clock A.M. (Tuesday, April 26), the Chair (Mr. Petrolati of Ludlow) declared a recess until a quarter before twelve o'clock noon; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recess.

The House Bill establishing a sick leave bank for Michelle Sharac, an employee of the trial court (House, No. 2799) (its title having been changed by the committee on Bills in the Third Reading) was read a third time, under suspension of the rules, on motion of Mr. Kocot of Northampton.

Michelle  
Sharac,  
sick leave  
bank.

Said committee reported recommending that the bill be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 2799, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

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Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo and other members of the House then moved that the bill be amended in section 2 by striking out item 4800-0038 and inserting in place thereof the following item:

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“4800-0038

For stabilization, unification, reunification, permanency, adoption, guardianship, and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2005 shall receive a clothing benefit in fiscal year 2006; provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; and provided further, that not later than February 17 of the current fiscal year the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, whose cost per unit of service or service outcomes do not fall within a reasonable standard; provided further, that not less than \$348,850 shall be expended for Casa Esperanza; provided further, that not less than \$300,000 shall be expended for Summerhill House in Norwood; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than \$257,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$250,000 shall be expended on a juvenile firesetters program; provided further, that not less than \$130,000 shall be expended for Children's Cove for medical and support services for pediatric victims of sexual or physical assault; provided further, that not less than \$200,000 shall be expended for a statewide contract with Northeastern University for a violence prevention and conflict resolution program; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning program in the South Boston section

in the city of Boston; provide further, that not less than \$104,123 shall be expended on the Teen Parenting program at Framingham High School; provided further, that not less than \$100,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not less than \$100,000 shall be expended for North End Outreach Network of Springfield; provided further, that provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than \$30,000 shall be expended for a contract with Big Brothers and Big Sisters of Cape Cod and the Islands; provided further, that not less than \$100,000 shall be expended for Alive With Awareness, Knowledge, and Empowerment of Springfield; provided further, that not less than \$25,000 shall be expended for the Concilio Hispano in Somerville; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; provided further, that not less than \$50,000 shall be expended for the On the Rise Shelter for homeless women in Cambridge; provided further, that not less than \$50,000 shall be expended for Multicultural Alzheimer's Services Project in Springfield; and provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers in Cambridge ..... 271,459,996”;

and by striking out item 4800-1400 and inserting in place thereof the following item:

“4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs, certified batterer intervention programs for indigent batterers and their families, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women;

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and provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that not less than \$400,000 shall be expended on the Refugee, Immigrant, Safety and Empowerment program; provided further, that not less than \$75,000 shall be expended on a domestic violence prevention program called Teens-At-Risk, operated by Portal of Hope for the communities of Everett, Lynn, Malden and Medford; provided further, that not less \$15,000 shall be expended for the Words not Weapons mentoring project in Saugus ..... 20,430,496".

After debate the amendments were adopted.

Recess.

At sixteen minutes before one o'clock P.M. (Tuesday, April 26), the Chair (Mr. Petrolati of Ludlow) declared a recess until half past one o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

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Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 1599-0042, by striking out the figures "5,000,000" and inserting in place thereof the figures "7,000,000";

By striking item 3000-4000, and inserting in place thereof the following item:

"3000-4000 For grants for pre-school programs and comprehensive services provided to children from the age of two years nine months until they are kindergarten eligible, through a mixed system of service delivery including cities, towns, regional school districts, educational collaboratives, head start programs, and licensed day care providers, pursuant to section 54 of chapter 15 of the General Laws; provided, that, notwithstanding the provisions of any general or special law to the contrary, community partnership councils established pursuant to section 54 of chapter 15 of the General Laws shall be under the control and supervision of the department of early education and care established pursuant to chapter 15D of the General Laws; provided further, that the commissioner and board of early education and care, not later than June 30, 2005, and in collaboration with the department of education, shall review and approve consolidated grant applications based on the broad community partnership council program objectives utilized by the department of education in prior years; provided further, that, as part of said consolidated grant application process, the board and commissioner shall provide grants to each council sufficient to ensure that every child who received services through this item in fiscal year 2005 continues to receive services in fiscal year 2006 under the

same terms and conditions as in fiscal year 2005, and shall use the same eligibility standards for said services as those used by the department of education in fiscal year 2005; provided further, that in any community partnership council in which there was only 1 lead agency in fiscal year 1995, such lead agency shall serve as lead agency to submit proposals in fiscal year 2006; provided further, that the amount by which the funds appropriated exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents; provided further, that funds appropriated in said item prior to 1994 shall continue to be used for at risk children; provided further, that the consolidated grant application for continuation of existing services and expansion of services to additional children shall fund the community partnership council objectives utilized by the department of education, and include a detailed budget indicating the amount that the council proposes to spend in each of the following areas: continuation of services to those children already receiving services in fiscal year 2005, expansion of services to additional children in fiscal year 2006, comprehensive family support and education services, quality enhancement initiatives for existing programs and service providers, program stabilization in existing programs, and needs assessments focused on determining the need for workforce development and pre-school service in the region served by the council; provided further, that any new expansion slots provided by the council to serve additional children who did not receive services in fiscal year 2005 shall be used to provide services to children of working parents older than two years and nine months and younger than five years old, according to rules and regulations promulgated by the department; provided further, that preference shall be given by said councils to children older than two years and nine months and younger than four years old; provided further, that where feasible, and subject to appropriation, the department and local council shall work with local providers to ensure that any child who receives new or additional services in fiscal year 2006 is guaranteed services by said council until entrance into kindergarten in order to maximize the developmental and educational benefits of pre-school for the child; provided further, that the eligibility standards for said services shall be the same as those used by the department of education prior to passage of this act; provided further, that councils shall give priority in

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awarding additional slots to children on the wait list formerly maintained by the office of child care services; provided further, that the department may waive this requirement for any council which can demonstrate that all eligible children who, as of July 1, 2005, were on said wait list in the region served by the council are receiving child care services; provided further, that said children shall retain priority status for future services available through the department upon attaining the age of 5, notwithstanding the receipt of services funded through this item; provided further, that where feasible and practicable, not less than one-third of the total new slots funded in this item by the amount by which the funds appropriated in said item 7030-1000 of chapter 60 of the acts of 1994 shall be for full-day, full-year care that meets the needs of working parents; provided further, that the council may recommend as part of its proposal quality enhancement initiatives for providers within its region; provided further, that eligible purposes for such initiatives shall include: professional development and workforce development efforts, assistance with the costs of meeting new and advanced licensure standards, accreditation costs, and such other costs as the commissioner shall approve; provided further, that, in order to preserve existing slots, classrooms, and programs to the extent possible, and ensure that the Commonwealth does not lose existing capacity in its early education and care infrastructure, a council may recommend stabilization grants be provided to any provider which would otherwise lose funds or close programs as a result of the transition to a unified system of early education and care and universal pre-school; provided further, that the department may provide funds to councils and local coordinators in order to conduct local needs assessments within the region served by the council in order to ascertain the workforce development needs of providers of early education and care in said region for the purpose of aiding the department with the workforce development plan required by section 5 of chapter 15D of the General Laws, and to determine the need for pre-school with in said region; provided further, that any council seeking funds shall include a detailed description of its proposed study methodology in its funding proposal to the department; provided further, that any needs assessment carried out for the purposes of determining the workforce development needs of a region shall include, where possible, an analysis of the number and type of providers in the region, the

educational attainment of all early educators currently working in the region, the number of said educators who would require additional coursework to meet the standards of the department, the estimated cost of enabling all providers in the region to achieve the new quality standards promulgated by the department, the providers within the region who could most benefit from additional training or coursework, the number who have expressed interest in such workforce or professional development, and such other information as the commissioner may determine relevant; provided further, that any assessment of the need for pre-school services shall include, at minimum: the number and type of providers in the region, the number of available slots in the region, the estimated number of children of pre-school age in the region, the number of pre-school aged children receiving early education and care programs and services in the region without any public subsidy, the number of pre-school aged children receiving early education and care programs and services with public subsidy and the nature of the subsidy, the number of pre-school aged children not receiving any early education and care programs or services, and an estimate of the cost of providing such services using various eligibility standards and guidelines as determined by the department; provided further, that the department shall require, as a condition of receiving funds for needs assessment purposes, that the local council coordinate its evaluation and study with the regional offices established under item 3000-2000; provided further, that no funds may be expended from this item for administrative costs of the department of early education and care; provided further, that recipients of grants distributed from this item shall not expend more than 8 per cent of said grants for administrative costs, as defined by the department of education in fiscal year 2005; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary ..... 68,700,570”;

In item 3000-7060 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”;

By inserting after item 3000-7060 the following item:

“3000-7070 For matching grants to fund the Reach Out and Read program, to provide books to at-risk children in the commonwealth through book distri-

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but ion programs established in community health centers, medical practices and hospitals for at-risk children; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every dollar in state funding distributed through said grant program; and provided further, that the department shall, to the maximum extent feasible, collaborate with the Reach Out and Read program, so-called, in order to coordinate services provided through this item with services provided through items 3000-7000, 3000-7050, and 3000-7060 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department..... 500,000”;

and by striking out item 7030-1003 and inserting in place thereof the following item:

“7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3 in the commonwealth; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible; provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that \$385,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary ..... 3,462,989”;

After debate the amendments were adopted.

Ms. Reinstein of Revere then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 42. (a) Notwithstanding any general or special law to the contrary, the city of Revere may promulgate rules and regulations regarding the rental of motor vehicles to require the assessment

and payment of a surcharge of not more than \$10 on each motor vehicle rental contract in said city. The surcharges collected shall be paid monthly to the city not later than the twentieth of the month following the collection of the surcharge and may be added to the cost of the rental agreement. Amounts received by the city pursuant to this section shall not be considered in the determination of the amount of any distribution of state assistance to the city.

b) For the purpose of determining compliance with this section, the city of Revere may examine all relevant books, records and documents of a person or entity engaged in the business of renting motor vehicles. The auditor or the treasurer of the city or a designee of the auditor or the treasurer shall conduct any such examination. If the surcharge collected is less than the amount required pursuant to this section, the city may file a claim, within 2 years after the date on which the surcharge is due, for such underpayment or undercollection, together with interest permitted by law.

c) This section shall provide an exclusive, additional, alternative and complete method for the imposition and collection of a surcharge on a motor vehicle rental agreement. This section shall be supplemental and additional to, and not in derogation of, powers conferred upon the city of Revere. If this section is inconsistent with any general or special law or administrative order or regulation or any limitation imposed by the charter of the city of Revere, this section shall control.”.

The amendment was rejected.

Mr. Kane of Holyoke being in the Chair,—

At four minutes before three o'clock P.M. (Tuesday, April 26), on motion of Mr. Donato of Medford, the House recessed until half past three o'clock; and at seven minutes after four o'clock the House was called to order with Mr. Mariano of Quincy in the Chair.

The Chair (Mr. Mariano) thereupon declared a further recess subject to the call of the Chair; and at twenty-six minutes after five o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. Straus of Mattapoisett, until half past six o'clock; and at eighteen minutes after seven o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 42. Chapter 111 of the General Laws, as appearing the 2002 Official Edition, is hereby amended by striking out section 25I and inserting in place thereof the following section:

Section 25I. The commissioner shall promulgate regulations requiring that either a resident or consultant pharmacist in a health care facility shall return to the pharmacy from which it was purchased all unused medication; provided that such medication is sealed in unopened, individually packaged units and within the recommended period of shelf life, and provided that such medication is

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not a schedule I or II controlled substance as defined in chapter 94C. Such pharmacies shall accept all such unused medications regardless of whether such medications are included on any list of unit-dose drugs issued by the department or the division of medical assistance. Any rules and regulations issued by the commissioner shall permit the pharmacy to which such medication is returned to restock and redistribute such medication, and shall be required to reimburse or credit the purchaser for any such returned medication.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 42 members voted in the affirmative and 116 in the negative.

**[See Yea and Nay No. 34 in Supplement.]**

Therefore the amendment was rejected.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 4510-0106 and inserting in place thereof the following item:

“4510-0106 For the end of life care commission, established by section 480 of chapter 159 of the acts of 2000; provided, that not more than \$100,000 shall be expended from revenues associated with grant and development activities ..... 100,000”;

By striking out item 4510-0110 and inserting in place thereof the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$100,000 shall be expended on the Duffy/O’Neill Health Center in Hyannis; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2006; provided further, that not less than \$50,000 shall be expended for the Cape Cod Free Clinic and Community Health Center; and provided further, that not less than \$100,000 shall be expended for the elder health center in Saugus.. 4,910,160”;

By striking out item 4510-0600 and inserting in place thereof the following item:

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the “Right-to-Know” law; provided, that the expenditures

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rejected,  
yea and nay  
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from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that \$50,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme Disease, so called, to be conducted by the Barnstable County Department of Health and the Environment; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; not less than \$81,000 shall be expended for the maintenance of a statewide lupus database; provided further, that \$150,000 shall be expended for the ALS registry created by section 26 of chapter 140 of the acts of 2003; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings together with any recommended response actions by the commonwealth to the house and senate committees on ways and means not later than February 1, 2006; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radio-active waste facility in the commonwealth ..... 3,205,321”;

By striking out item 4510-0615 and inserting in place thereof the following item:

“4510-0615 The department may expend an amount not to exceed \$150,000 from assessments collected under section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend revenues not to exceed \$1,324,195 from fees collected from

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licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee ..... 1,474,195”;

By striking out item 4512-0103 and inserting in place thereof the following item:

“4512-0103 For acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds shall be transferred into the AA object class; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2006 that would fund units in excess of the number of units funded on June 30, 2005; provided further that not less than \$100,000 shall be expended for the Springfield Public Health Department; and provided further, that

no funds from this item shall be expended for disease research in fiscal year 2006 ..... 35,297,303”;

By striking out item 4512-0106 and inserting in place thereof the following item:

“4512-0106 The department of public health may expend an amount not to exceed \$1,900,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program administered by the federal health resources and services administration and office of drug pricing ..... 1,900,000”;

By striking out item 4512-0200 and inserting in place thereof the following item:

“4512-0200 For the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$45,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol abuse; provided further, that not less than \$90,000 shall be expended for Franklin Medical Center's Beacon Recovery program at the Orange Recovery House; provided further, that not less than \$99,000 shall be expended for Self Esteem Boston substance abuse direct service prevention programs and provider training programs; provided further, that not less than \$650,000 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention; provided further, that not less than \$99,925 shall be expended for Latinas y Ninos to provide a full-time child advocate parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents and mothers recently reunified with children; provided further, that not less than \$100,000 shall be expended for a contract with the Bay Cove Human Services, Inc. for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc. for persons in recovery from alcoholism and chemical dependency; provided further, that \$75,000 shall be expended to establish an Opiate Abuse Prevention and Intervention Program for Youth in the City of Melrose; provided further, that not less than \$50,000 shall be expended to REACH, formerly known as the Waltham Support Committee for Battered Women; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims’

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family support services and anti-violence advocacy programs; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$75,000 shall be expended for the Tynan Community Centers Adolescence Wellness Program in the South Boston section of City of Boston; provided further, that not less than \$125,000 shall be expended for the operation of the Barnstable Action for New Directions (BAND) program facilitated by Gosnold of Cape Cod Inc. in conjunction with the Barnstable District Court and the Cape and Islands District Attorney; provided further, that not less than \$100,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the City of Boston; provided further, that not less than \$370,800 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling twenty-eight (28) beds located in the South Boston section of the City of Boston; provided further, that not less than \$319,500 shall be expended for a contract with Gavin Foundation, Inc. to provide a Total Immersion Program in conjunction with the Probation Department of the South Boston Division of the district courts, the Quincy Division of the district courts, the Somerville Division of the district courts, the Hingham Division of the district courts, the Brighton Division of the district courts, and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion Program; provided further, that the Gavin Foundation shall be contracted to provide Total Immersion Programs stated herein; provided further, that not less than \$90,000 shall be expended on the Russian Teens-at-Risk program operated by the Jewish Family Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than \$50,000 be expended for teens through programs provided by the Ashland Recreational Department; provided further, that not less than \$50,000 shall be expended for the New Beginnings program; provided further, that not less than \$200,000 shall be expended for the Link House, Inc. in the town of Salisbury for purposes of establishing transitional housing for women in recovery from substance abuse; provided fur-

ther, that the amount of \$100,000 shall be expended for the Northern Educational Services, Inc., so-called, outreach and prevention program in Springfield; provided further, that not less than \$60,000 shall be provided to Project COPE, Inc. in Lynn for the prevention and education of the problems associated with Oxy-Contin and Heroine use; provided further, that not less than \$100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; and provided further, that not less than \$500,000 shall be expended for an opiate education and counseling competitive grant program in Suffolk county ..... 46,441,186”;

By striking out item 4512-0500 and inserting in place thereof the following item:

“4512-0500 For dental health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that of the amount appropriated in this item, funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than \$122,000 shall be allotted to the Doherty Dental Clinic in the City of Taunton for the basic dental needs of moderate and low income residents of Southeastern Massachusetts; and provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program ..... 1,678,150”;

By striking out item 4513-1000 and inserting in place thereof the following item:

“4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$120,000 shall be expended for the public health model of community engagement, intervention and intimate partner violence in the homosexual male community; and provided further, that funds shall be expended on family planning clinics, rape crisis centers and primary care services for women and children ..... 7,652,196”;

By inserting after item 4513-1023 the following item:

“4513-1026 For the provision of statewide and community-based suicide prevention, intervention, post-vention, and surveillance activities and the implementation of a statewide suicide prevention plan..... 250,000”;

By striking out item 4513-1112 and inserting in place thereof the following item:



- "4513-1112 For a prostate cancer screening, education and treatment program; provided, that screening, education and treatment shall have a particular focus on the high rate of prostate cancer among African American males; and provided further, that no funds shall be expended in the AA object class for any personnel-related costs ..... 1,300,000";

By inserting after item 4513-1112 (inserted by amendment) the following item:

- "4513-1113 For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening the disease and cancer registry reporting; provided, that no expenditures shall be made from this item for the cost of personnel ..... 75,000";

By striking out item 4516-1000 and inserting in place thereof the following item:

- "4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute; and provided further, that funds from this item may be expended for the purpose of an interagency service agreement with the University of Massachusetts Medical School for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute ..... 10,037,658";

By striking out item 4530-9000 and inserting in place thereof the following item:

- "4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency pur-

chases of designated services identified by said community service plans; provided further, that \$477,643 shall be expended on those communities with the highest teen birth rates; provided further, that \$100,000 shall be expended for teen pregnancy prevention services in the town of Orange; provided further, that not less than \$150,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire County; provided further, that not less than \$250,000 shall be expended for the abstinence-based teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said \$250,000, not less than \$125,000 shall be expended for said program in the city of Pittsfield; and provided further, that the department shall contract directly with vendors of teenage pregnancy prevention services; provided further, that not less than \$15,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention..... 992,643";

By striking out item 4580-1000 and inserting in place thereof the following item:

- "4580-1000 For the universal immunization program and the purchase and distribution of the pneumococcal conjugate vaccine; provided, that no funds shall be expended in the AA object class for any personnel-related costs; and provided further, that no funds appropriated in this item shall be expended for administrative or energy expenses of the department not directly related to programs funded herein ..... 27,052,068";

By striking out item 4590-0250 and inserting in place thereof the following item:

- "4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that not less than \$350,000 shall be expended for the gover-

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nor's commission on gay and lesbian youth; provided further, that not less than not less than \$200,000 shall be expended on Area Health Education Centers; and provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that \$99,000 shall be expended to the H.E.L.P. program so-called, for black males health; provided further, that \$150,000 shall be expended for the childhood obesity school nutrition pilot project, to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; and provided further, that \$12,000,000 shall be expended for school nurses and school-based health centers ..... 14,568,309";

In item 4590-0300 by striking out the figures "3,750,000" and inserting in place thereof the figures "4,250,000";

By striking out item 4590-0912 and inserting in place thereof the following item:

"4590-0912 The department may expend an amount not to exceed \$14,630,014 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, DD object class chargebacks and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the executive office of health and human services; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further,

that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein ..... 14,630,014";

In item 4200-0100, in line 3, by inserting after the word "department" the following: "; provided further, that funds appropriated in fiscal year 2005 for the homeward bound program in the town of Brewster shall be made available in fiscal year 2006"; and

By striking out item 4000-0112 and inserting in place thereof the following item:

"4000-0112 For matching grants to boys' and girls' clubs, YMCA and YWCA organizations and nonprofit community centers; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amounts distributed in fiscal year 2006 by March 1, 2006; provide further, that not less than \$1,750,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs to provide grants to boys and girls of Massachusetts; provided further, that not less than \$500,000 shall be expended for the YMCA of greater Boston to facilitate capital projects approved by the board of directors of the YMCA including, but not limited to, capital projects in the town of Norwood, the West Roxbury section of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area; provided further, that not less than \$100,000 shall be expended for improvements to the YWCA of Newburyport; provided further, that no less than \$125,000 shall be expended for the Greater Worcester YMCA Youth Programs; provided further, that not less than \$50,000 shall be expended for the Chelsea YMCA for building rehabilitation purposes; provided further, that not less than \$50,000 be expended for programs at the Northeast Family YMCA; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$40,000 shall be expended for the Saugus YMCA; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth service; provided further, that not less than \$150,000 shall be expended for non-profit Youth Services in Andover; and provided further, that not less than \$25,000

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shall be expended for the Southwick Recreation  
Center, Inc. .... 2,880,000".

After debate the amendments were adopted.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 1410-0010 and inserting in place thereof the following item:

"1410-0010 For the operation of the office of veterans' services; provided, that the office may fund a housing specialist from this item; and provided further, that the department may expend funds for the Glory 54th Brigade; provided further, that not less than \$10,000 shall be expended for the Korean War Veterans committee of Massachusetts for the purpose of maintaining the Massachusetts Korean War Memorial located in the shipyard park of the Charlestown Navy Yard..... 1,898,914";

By striking out item 1410-0012 and inserting in place thereof the following item:

"1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that said centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further that not less than \$84,879 shall be expended for the Veterans Association of Bristol County in the city of Fall River; provided further, that not less than \$134,879 shall be expended for the Puerto Rican Veterans Association of Massachusetts, Inc., in the City of Springfield; provided further, that not less than \$30,000 shall be expended for the Veteran's Oral History Project at the Morse Institute Library in Natick; provided further not less than \$50,000 shall be expended for Veterans services to be administered by the Falmouth Veteran's Agent through the Falmouth Free Clinic and Community Center; provided further, that not less than \$292,480 shall be obligated for a contract with the Montachusett Veterans Outreach Center located in the City of Gardner; provided further, that not less than \$228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston; and provided further, that not less than \$100,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis ... 1,279,420";

In item 1410-0015 by striking out the figures "40,281" and inserting in place thereof the figures "42,281";

By striking out item 1410-0250 and inserting in place thereof the following item:

"1410-0250 For homelessness services; provided, that not less than \$22,500 shall be obligated for a contract

with the Turner House located in the town of Williamstown; provided further, that \$352,395 be provided for the Southeastern Massachusetts Veterans Housing Program, Inc. located in the City of New Bedford; provided further, that not less than \$200,000 shall be obligated for a contract with the United Veterans of America shelter located in the town of Leeds; provided further, that not less than \$75,000 shall be expended for the Transition House located in the city of Springfield; provided further, that not less than \$51,975 shall be expended for a contract with the Springfield bilingual veteran outreach center for the operation and maintenance of a transitional housing unit at the YMCA of Springfield; provided further, that not less than \$28,350 shall be obligated for a contract with the Homestead located in the town of Hyannis; provided further, that not less than \$475,105 shall be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in the City of Worcester; provided further, that not less than \$150,000 shall be obligated for contracts with the veterans hospice homestead in the city of Leominster and the veterans hospice in the town of Fitchburg; provided further, that not less than \$190,000 shall be obligated for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that not less than \$199,405 shall be obligated for a contract with the Unity House located in the City of Gardner; provided further, that \$100,350 shall be obligated for a contract with the Veterans Benefit Clearinghouse located in Dorchester; and provided further, that not less than \$73,350 shall be obligated for a contract with the Veterans Benefits Clearinghouse located in Roxbury ..... 1,918,430";

In item 1410-0251 by striking out the figures "2,108,043" and inserting in place thereof the figures "2,258,043"; and

In item 4190-0100 by striking out the figures "17,194,386", and inserting in place thereof the figures "17,694,386".

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Verga of Gloucester; and on the roll call 158 members voted in the affirmative and 0 in the negative.

### [See Yea and Nay No. 35 in Supplement.]

Therefore the amendments were adopted.

At nineteen minutes after eight o'clock P.M. (Tuesday, April 26), on motion of Mr. Jones of North Reading, the House recessed until ten minutes before nine o'clock; and at that time the House was called to order with Mrs. Harkins in the Chair.

The Chair (Mrs. Harkins) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Amendments  
adopted,  
yea and nay  
No. 35.

Recess.

Suspension of  
Rule 1A.

Rule 1A

suspended,  
yea and nay  
No. 36.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 121 members voted in the affirmative and 36 in the negative.

**[See Yea and Nay No. 36 in Supplement.]**

Therefore Rule 1A was suspended.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 4403-2000 by adding at the end thereof the following: “; provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by the Traveler’s Aid Society; and provided further, that not less than \$95,000 shall be expended for the Lift Transportation Program operated by the Traveler’s Aid Society of Boston”;

In said item by striking out the figures “312,450,771” and inserting in place thereof the figures “312,963,845”;

By striking out item 4403-2120 and inserting in place thereof the following item:

“4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) residential education centers for single mothers with children; (iv) intake centers; and (v) voucher shelters; provided, that eligibility shall be limited to families with income at or below 100 per cent of the federal poverty level; provided, however, that any family whose income exceeds 100 per cent of the federal poverty level while the family is receiving assistance funded by this item, shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 100 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 100 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided fur-

ther, that no funds may be expended for heat or utility arrearages; provided further, that eligible households shall be placed in shelters as close as possible to their home community, unless a household requests otherwise; provided further, if the closest available placement is not within 20 miles of the household’s home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date, unless the household requests otherwise; provided further, that the department shall make every effort to insure that children receiving services from this item are able to continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated herein; provided further, that notwithstanding any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist under the regulations promulgated by the department; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, the number of families receiving shelter

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who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelter, including reasons for voluntary departure and termination, exiting families' housing plans, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that as of January 1, 2006, eligibility for said services shall be made available to families whose income does not exceed 130 percent of federal poverty level ..... 72,647,326";

By striking out item 4406-3000 and inserting in place thereof the following item:

"4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; and provided further, that of the amount appropriated herein, \$34,000,000 shall be allocated to organizations that received funds from this item in fiscal year 2005 at the pro-rated rate ..... 35,000,000";

By striking out item 1599-4408 and inserting in place thereof the following item:

"1599-4408 For a reserve for costs incurred to comply with the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or any successor federal statute, including but not limited to, state work participation requirements, subsequent to the expiration of the commonwealth's federal welfare waiver on September 30, 2005, or with any additional costs or requirements imposed as a result of any legislation enacted by the General Court subsequent to reauthorization of the federal temporary aid for needy families block grant; provided, that not less than \$6,000,000 shall be made available to the department of

transitional assistance for additional services in item 4401-1000, the employment services program, so-called, administered within said department; provided further, that not less than \$6,000,000 shall be made available to the department of early education and care for additional child care vouchers and contracts, according to the provisions of item 3000-4050 and for the administration of said vouchers and contracts by child care resource and referral agencies, according to the provisions of item 3000-2000; provided further, that the secretary of administration and finance, the commissioner of the department of transitional assistance and the commissioner of the department of early education and care, shall, not later than January 15, 2006, jointly issue a preliminary report, and not later than April 1, 2006, issue a final report on planned expenditures from this item, on any federal actions impacting the state transitional assistance program, and on any legislative proposals the department may recommend in response to said actions; provided further, that, if said reports include legislative or administrative recommendations in response to federal actions, said reports shall include a description of all new requirements proposed to be imposed on recipients of transitional aid to families with dependent children as a result of federal actions, an analysis of the individuals proposed to be subject to work requirements as a result of said actions, including an analysis of which individuals may reasonably be expected to obtain employment with proper assistance and which require an alternative plan or strategy for achieving self-sufficiency, and a detailed plan for addressing the needs of any recipient who would be subject to work requirements under such proposal; provided further, that said reports shall be provided to the chairs of the house and senate ways and means committees, the house and senate chairs of the joint committee on children and families and the house and senate chairs of the joint committee on education; provided further, that nothing in the foregoing authorizes the department of transitional assistance to impose rules or requirements that are not authorized by section 110 of chapter 5 of the acts of 1995, as previously or hereafter amended ..... 12,000,000";

By striking out item 7004-0099 and inserting in place thereof the following item:

"7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department

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against federal grants for certain direct and indirect costs pursuant to a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030 and 7004-9033; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility; provided further, that said department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that said department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification; provided further, that notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting such income verification, the director of said department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants' households; and provided further, that for the purposes of clarification only, notwithstanding the provisions of section 12 of chapter 490 of the acts of 1980, said department may authorize neighborhood housing services corporations to retain, re-assign, and reloan

funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program; provided further, that not less than \$100,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that not less than \$10,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further that \$25,000 shall be expended for the Allston-Brighton Community Development Corporation continued operation of a grant program to enhance housing quality standards; provided further, that \$50,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 be expended for Neighbors in Need in Lawrence; provided further, that not less than \$150,000 shall be expended for Brightwood Development; provided, that \$250,000 shall be granted to the town of North Reading for the costs of the economic development of property off Elm Street commonly known as the Smith Farm and shown on North Reading assessors maps as map 62 lot 78, map 62 lot 38, map 75 lot 08 and map 76 lot 17; provided further, that not less than \$15,000 shall be made available to the town of Reading for the upgrade, renovation, repair or installation of technology equipment and infrastructure for the use of municipal government; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further provided, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes; provided further, that not less than \$53,000 be expended for Food for the World Pantry; provided further that \$61,200 shall be expended for the Worcester Housing Authority for a resident services employment coordinator; provided further, that the amount of \$100,000 shall be expended for the Springfield Neighborhood Housing Services, Inc.; provided further that not less than \$25,000 be expended for Marlborough Community Development Corporation; and providing further, that

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Bill.

not less than \$25,000 shall be expended for one staff position for the Beverly Affordable Housing Coalition ..... 7,964,992”;

By striking out item 7004-3036 and inserting in place thereof the following item:

“7004-3036 For housing services and counseling; provided, that not less than \$750,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; and provided further, that no funds shall be expended from this item in the AA object class, so-called, for the compensation of state employees; provided further, that not less than \$80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program; and provided further, that not less than \$141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness ..... 1,221,925”;

In item 7004-9005 by striking out the figures “31,315,669” and inserting in place thereof the figures “34,871,170”; and

In item 7004-9316 by striking out the figures “2,500,000” and inserting in place thereof the figures “3,000,000”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 37 in Supplement.]**

Therefore the amendments were adopted.

*Recess.*

At the hour of ten o'clock P.M. (Tuesday, April 26), on motion of Miss Reinstein of Revere) (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of ten o'clock A.M. on Wednesday, April 27; and at that time, the House was called to order with Mr. Rushing of Boston in the Chair.

**Wednesday, April 27, 2005 (at 10:00 o'clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we believe that we live every moment of the day in Your presence. We also believe that we have access to You through prayer at all times and that You, Our Creator, are concerned with our material and spiritual needs. Open our hearts and minds to You as we address the different issues. In the pending budget, help

Amendments  
adopted,  
yea and nay  
No. 37.

Recess.

Prayer.

us to make thoughtful and prudent decisions. In planning for future generations in this new age of technology, new knowledge and scientific advancement, help us to keep our goals clear and our choices ethical. In this changing world and changing culture, let our hope be sure, our courage strong and our religious commitments firm.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Rushing), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bosley of North Adams) congratulating the Drury High School Concert and Marching Band on receiving the Disney Honors;

Drury  
High School  
Band.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) honoring David M. Benjamin and granting him the honorary title of ‘Parliamentarian of Stoughton’; and

David M.  
Benjamin.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Matthew Traut-Savino on receiving the Eagle Award of the Boy Scouts of America;

Matthew  
Traut-  
Savino.

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Rogeness of Longmeadow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Recesses.*

At five minutes after ten o'clock A.M. (Wednesday, April 27), on motion of Mr. Peterson of Grafton (Mr. Rushing of Boston being in th Chair), the House recessed until eleven o'clock A.M.; and at ten minutes after eleven o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until a quarter before twelve o'clock noon; and at one minute before twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

*Guests of the House.*

During the session, Mr. O’Flaherty of Chelsea took the Chair, declared a brief recess and introduced Mr. John Wall, Mayor of the town of Tralee, in County Kerry, Ireland. Accompanied by Town Clerk Michael Scannell, Mr. Michael O’Driscoll and Rose of Tralee contestant Kaitlyn Monahan from Connecticut, Mayor Wall offered brief remarks. They were the guests of Representatives O’Flaherty, Leary of Worcester, Murphy of Weymouth, Greene of Billerica, Curran of Springfield and Spellane of Worcester.

Tralee,  
County Kerry,  
Ireland.

Needham High

Rockets  
Dance Team.

Mr. Petrolati of Ludlow then returned to the Chair, declared a brief recess and introduced Ashley Marchal, daughter of Speaker DiMasi. Ms. Marchal then offered brief remarks, introducing and welcoming to the State House the Needham High Rockets Dance Team. Accompanied by Head Coach Carol Steno, they are the 2005 National Cheer and Dance Champions in both the overall competition and jazz division. They were the guests of Representative Harkins and Senator Brown.

Lynn  
All City  
Choir.

During the session, the Chair (Mr. Petrolati) declared a brief recess and introduced the Lynn All City Choir, under the direction of Joseph Picano. The choir, comprised of students from Lynn Classical, Lynn English and Lynn Tech High Schools, including Lynda Theresa Ralston, niece of Assistant Clerk Scott Mitchell, then performed the National Anthem.

#### *Petitions.*

Karen  
Campbell,  
sick leave  
bank.

Mr. Donelan of Orange presented a petition (subject to Joint Rule 12) of Christopher J. Donelan for legislation to authorize the Department of Social Services to establish a personal leave bank for Karen Campbell, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Vaccines,  
mercury.

Mr. Hill of Ipswich presented a petition (subject to Joint Rule 12) of Bradford Hill relative to prohibiting the use of certain vaccines and serums containing mercury; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

#### *Papers from the Senate.*

Post-release  
supervision.

A message from His Excellency the Governor recommending legislation relative to mandatory post-release supervision (House, No. 26) came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on the Judiciary and that it had been referred, in non-concurrence, to the committee on Public Safety and Homeland Security.

On motion of Mr. O'Flaherty of Chelsea, the House then non-concurred with the Senate in its reference; and, on further motion of Mr. O'Flaherty, the House insisted on its reference to the committee on the Judiciary. Sent to the Senate for its action.

Special

A Bill requiring special state police officers to collect certain data (Senate, No. 2040) (on Senate bill, No. 1393), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

state police,  
data.

A Bill relative to police cadets in Springfield (Senate, No. 1362) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Springfield,  
police  
cadets.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Stephen R. Canessa relative to designating the Andre Lopes Overpass in the city of New Bedford as the Andre Lopes Korean War Veteran Overpass. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Lopes  
Overpass.

By Mr. Murphy of Lowell, for the committee on Higher Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 764) of Jarrett T. Barrios, Marie P. St. Fleur, Deborah D. Blumer, Andrea F. Nuciforo, Jr. and other members of the General Court for legislation relative to in-state tuition rates and fees at public higher education institutions; and

Higher  
education,  
tuition and  
fees.

Of the petition (accompanied by bill, House, No. 1230) of Marie P. St. Fleur and others relative to the eligibility of students for in-state tuition rates and fees at public higher educational institutions;

Higher  
education,  
in-state  
tuition and  
rates.

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1457) of Peter J. Koutoujian and others for legislation to promote proper school nutrition,— and recommending that the same be referred to the committee on Public Health; and

Proper  
school  
nutrition.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2634) of Karyn E. Polito and Shirley Gomes for an investigation by a special commission (including members of the Houses) relative to long term custodial care options for cognitively intact, physically disabled adults,— and recommending that the same be referred to the committee on Children and Families.

Long term  
custodial  
care.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.



Rockland,  
validate  
acts.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 999) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Nyman of Hanover, the bill was read a second time forthwith; and it was ordered to a third reading.

*Orders of the Day.*

Sandwich,  
tax  
collection.

The Senate Bill relative to the collection of certain taxes in the town of Sandwich (Senate, No. 2026) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Perry of Sandwich; and it was passed to be engrossed, in concurrence.

Shrewsbury,  
sewage  
costs.

The House Bill relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (House, No. 2795), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Polito of Shrewsbury; and it was passed to be engrossed. Sent to the Senate for concurrence.

General  
Appropriation  
Bill.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 9110-1900 and inserting in place thereof the following item:

“9110-1900 For the elder lunch program; provided, that not less than \$30,000 shall be expended for a youth/elder outreach position at the Roche Family Community Center in West Roxbury ..... 4,482,014”;

By striking out item 9110-1455 and inserting in place thereof the following item:

“9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the department of elder affairs’ vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the department of elder affairs, and the enti-

ties with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 39 of said chapter 19A shall be the payer of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons; provided further, that the department of elder affairs, shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that said program is subject to appropriation and expenditures shall not exceed in fiscal year 2006 the amount authorized herein; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the General Court; provided further, that the department shall file any and all legislation required to implement such actions for review and analysis by the General Court; provided further, that the department shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; and provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans ..... 90,249,126”;

By striking out item 9110-1660 and inserting in place thereof the following item:

“9110-1660 For congregate and shared housing services for the elderly; provided, that not less than \$50,000 shall be expended for the congregate housing services at the Tuttle House Facility in Dorchester; and provided further, that not less than \$150,000 shall be allocated to the Committee to End Elder Homelessness, Inc. .... 1,284,335”;

By striking out item 9110-1630 and inserting in place thereof the following item:

“9110-1630 For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues

General  
Appropriation  
Bill.

accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the department of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the department; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the department shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2006 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1633 for case management services and the administration of the home care program; provided further, that not less than \$75,000 shall be made available for a pilot program for home health care, to be administered by Community Parish Nursing in the town of Reading..... 96,997,581”;

In item 9110-1633 by striking out the figures “38,377,967” and inserting in place thereof the figures “38,627,967”;

By striking out item 9110-1636 and inserting in place thereof the following item:

“9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, and the elder-at-risk program; provided, that not less than \$495,000 shall be expended for money management services ..... 12,324,921”;

In item 9110-1500 by striking out the figures “38,492,876” and inserting in place thereof the figures “39,492,876”; and

In item 9110-1700 by striking out the figures “200,000” and inserting in place thereof the figures “250,000”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Correia of Fall River; and on the roll call 158 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 38 in Supplement.]**

Therefore the amendments were adopted.

Amendments  
adopted,  
yea and nay  
No. 38.

At a quarter after twelve o'clock noon (Wednesday, April 27), on motion of Mr. Fresolo of Worcester (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. O'Flaherty of Chelsea, until half past one o'clock P.M.; and at a quarter before two o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Binienda of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 39.

**[See Yea and Nay No. 39 in Supplement.]**

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by striking out section 7 [A].

After debate on the question on adoption of the amendment, Mr. DeLeo of Winthrop and other members of the House moved, there being no objection, that the amendment be amended by adding at the end thereof [at “A”] the following: “and inserting in place thereof the following section:

“SECTION 7. Section 47 of chapter 94C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the words “departments” in line 122 the following:—

Each such district attorney and city, town or state police department receiving said funds shall submit a report to the house and senate committees on ways and means not later than April 1 of each year detailing the use of drug forfeiture funds, so-called, received pursuant to this section. The report shall include, but not be limited to, the following: 1) amount of said funds deposited into the any such special law enforcement trust funds maintained by said offices and departments; 2) how said funds were used in the previous fiscal year; and 3) balance of said trust fund as of March 20 of each year.’”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 160 members voted in the affirmative and 0 in the negative.

Further  
amendment  
adopted,  
yea and nay  
No. 40.

**[See Yea and Nay No. 40 in Supplement.]**

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 0321-2100 by striking out the figures “500,000” and inserting in place thereof the figures “550,000”;

In item 0321-2000 by striking out the figures “538,905” and inserting in place thereof the figures “585,905”.

In item 0330-0300 by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended from

this line item for a contract with Massachusetts General Hospital for a research program on abused children"; and in said item by striking out the figures "112,520,712" and inserting in place thereof the figures "112,620,712";

By striking out item 0330-0410 and inserting in place thereof the following item:

"0330-0410 For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$44,337 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$48,032 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$36,947 shall be expended for Community Mediation of Worcester; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$25,863 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$25,863 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$50,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$29,558 shall be expended for Berkshire Mediation Services inc.; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$48,032 shall be expended for the Middlesex Multi-door Court House Program; and provided further that not less than \$30,000 shall be expended for the Martha's Vineyard Mediation Program ..... 800,000";

In item 0330-3200 by striking out the figures "49,967,224" and inserting in place thereof the figures "50,967,224";

In item 0330-3333 by striking out the figures "17,000,000" and inserting in place thereof the figures "15,000,000";

In item 0330-3334 by striking out the figures "18,000,000" and inserting in place thereof the figures "20,000,000";

In item 0332-6300 by adding at the end thereof the following: "provided further that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6.";

In item 0337-0300 by adding at the end thereof the following: "provided that \$145,841 shall be expended for the CASA program in Springfield Juvenile Courts";

In item 0337-0400 by adding at the end thereof the following: "provided further that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court";

In item 0337-0600 by adding at the end thereof the following: "provided further that \$91,150 shall be expended for the CASA program in the Lawrence Juvenile Court";

In item 0337-0700 by adding at the end thereof the following: "provided further that \$77,478 shall be expended for the Franklin/Hampshire CASA Program, including Northampton Greenfield, Orange and Ware District Courts";

In item 0337-0800 by adding at the end thereof the following: "provided further that \$72,920 shall be expended for the CASA program in the Plymouth County Juvenile Court";

In item 0337-0900 by adding at the end thereof the following: "provided further that \$54,690 shall be expended for a Berkshire CASA program in the Berkshire County Juvenile Court";

In item 0340-0100 by adding at the end thereof the following: "provided further, that not less than \$150,000 shall be expended for the purpose of a targeted controlled substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop. Said office shall submit a report to the house and senate committees on ways and means no later than June 1, 2006 which shall include, but not be limited to, the quantity and nature of drug seizers resulting from implementation of said pilot program";

In item 0340-0100 by striking out the figures "13,630,699" and inserting in place thereof the figures "13,917,006";

In item 0340-0200 by striking out the figures "10,656,975" and inserting in place thereof the figures "10,763,545";

In item 0340-0300 by striking out the figures "6,458,625" and inserting in place thereof the figures "6,523,211";

In item 0340-0400, by striking out the figures "\$6,877,075" and inserting in place thereof the figures "\$6,945,846";

In item 0340-0500 by striking out the figures "6,355,055" and inserting in place thereof the figures "6,418,606";

In item 0340-0600 by striking out the figures "4,182,722" and inserting in place thereof the figures "4,224,549";

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In item 0340-0700 by striking out the figures "6,936,479" and inserting in place thereof the figures "7,005,844";

In item 0340-0800 by striking out the figures "5,747,214" and inserting in place thereof the figures "5,804,686";

In item 0340-0900 by striking out the figures "5,938,983" and inserting in place thereof the figures "5,998,373";

In item 0340-1000 by adding at the end thereof the following: "; provided further that not more than \$20,000 be expended for Cape & Islands Child Advocacy Center at Children's Cove in Hyannis";

In item 0340-1000 by striking out the figures "3,025,129" and inserting in place thereof the figures "3,055,380";

In item 0340-1100 by striking out the figures "2,804,526" and inserting in place thereof the figures "2,832,571"; and

In item 0340-2100 by striking out the figures "1,489,204" and inserting in place thereof the figures "1,518,600".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. O'Flaherty of Chelsea; and on the roll call 159 members voted in the affirmative and 1 in the negative.

#### [See Yea and Nay No. 41 in Supplement.]

Therefore the amendments were adopted.

Mr. Vallee of Franklin then moved, there being no objection, that the vote be reconsidered by which the House, at the previous session, adopted amendments, offered by Mr. DeLeo of Winthrop in section 2, in items 4403-2000, etc. (see roll call number 37), and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended in proposed item 7004-0099, by striking out the following: "; provided further, that not less than \$150,000 shall be expended for Brightwood Development"; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

At twenty-five minutes after three o'clock P.M. (Wednesday, April 27), on motion of Mr. Kafka of Stoughton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until four o'clock P.M.; and at seven minutes after four o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Kane of Holyoke, until a quarter before five o'clock P.M.; and at five o'clock the House was called to order with Mr. Petrolati in the Chair.

The Chair (Mr. Petrolati) thereupon declared a further recess until seven o'clock P.M.; and at twenty-five minutes after seven o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. Quinn of Dartmouth and other members of the House then moved that the bill be amended in section 2, in item 6000-0100 by adding at the end thereof the following: "; provided further, that the Department shall be required on an annual basis to re-calculate the amount of town owned roadway miles and shall re-distribute Chapter 90 funds based on actual town owned roadway miles".

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined

Amendments  
adopted,  
yea and nay  
No. 41.

Recesses.

Quorum.

that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mrs. Harkins of Needham being in the Chair) 160 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 42.

#### [See Yea and Nay No. 42 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Quinn; and on the roll call 26 members voted in the affirmative and 133 in the negative.

Amendment  
rejected,  
yea and nay  
No. 43.

#### [See Yea and Nay No. 43 in Supplement.]

Therefore the amendment was rejected.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 1599-1970 by inserting at the end thereof the following: "; provided further, that the Massachusetts Turnpike Authority shall undertake a study of the economic impact of tolling on the metropolitan highway system on commuters; provided further, that said study shall include, but not be limited to, defining the percentage of income devoted to tolls by commuters and the comparison of said impact relative to other metropolitan areas; and provided further, that said study shall be submitted to the house and senate committees on ways and means by January 1, 2006";

By striking out item 2000-0100 and inserting in place thereof the following item:

"2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on

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the environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than \$100,000 shall be expended by a coastal shore water testing program administered by the Coalition for Buzzards Bay; provided further, that \$75,000 shall be expended for a study of traffic patterns during rush hour commutes on DCR controlled roadways serving Lynn, Swampscott and Nahant; provided further, that not less than \$40,000 shall be expended for the completion of a comprehensive cost study of a master plan for the maintenance and improvement of all property under the care, custody and control of the division in the West Roxbury section of the City of Boston including such measures but not limited to the planting, pruning, reforestation, enhancement of pedestrian access walks and the removal of leaves, snow and debris in said property; provided further, that the executive office shall conduct a study on the severity of invasive weeds in the Commonwealth's bodies of natural water; provided further, that said study shall include, but not be limited to the costs associated with full clean-up and eradication, a priority list of projects, an analysis of future environmental concerns stemming from invasive weeds, and plans for communities to prevent future growth of invasive weeds; provided further, that the executive office shall also conduct a study of the advantages and disadvantages of future maintenance of invasive weeds in the state; and provided further, that the executive office shall report to the general court the results and recommendations, if any, together with drafts of legislation necessary to carry out recommendations into effect by filing the same with the clerk of the house of representatives, the house and senate committees on

ways and means, and the joint committee on environment, natural resources and agriculture on or before the last Wednesday of February 2006 ..... 5,501,905”;

In item 2010-0100 by striking out the figures “2,140,647” and inserting in place thereof the figures “2,340,647”;

By striking out item 2030-1000 and inserting in place thereof the following item:

“2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; and provided further, that not less than \$100,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation ..... 9,913,746”;

By striking out item 2030-1004 and inserting in place thereof the following item:

“2030-1004 For environmental police private details; provided that the office may expend revenues of up to \$250,000 collected from fees charged for private details; provided further that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system ..... 250,000”;

By striking out item 2200-0100 and inserting in place thereof the following item:

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that \$25,000 shall be expended to investigate the contamination of the Barnes

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Aquifer, located in the towns of Southamptton and Easthampton and the cities of Holyoke and Westfield, provided further, that the department shall provide an overview of the extent of contamination and estimated cost to provide potable water to all effected residents to the House and Senate committees on ways and means no later than March 1, 2006; provided further, that not less than \$100,000 shall be expended by DEP to complete the collaborative effort among EOEa, DCR, Mass Highway and the Massachusetts Historic Commission to complete and publish the final document "Historic Parkways Preservation Treatment Guidelines; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws ..... 28,866,935";

By striking out item 2220-2220 and inserting in place thereof the following item:

"2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program, the non-auto related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions; provided, that not less than \$100,000 shall be expended on a study of extending the MBTA Green Line to Somerville and Medford as is obligated under the State Implementation Plan ..... 1,001,064";

In item 2260-8870 by striking out the figures "14,211,075" and inserting in place thereof the figures "14,311,075";

In item 2300-0101 by striking the figures "415,905" and inserting in place thereof the figures "433,905";

By striking out item 2310-0200 and inserting in place thereof the following item:

"2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds may be expended to supplement the natural heritage and endangered species program; and pro-

vided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center for wetland restoration ..... 8,420,362  
Inland Fisheries and  
Game Fund ..... 100.0%";

In item 2320-0100 by striking out the figures "370,760" and inserting in place thereof the figures "445,760";

By striking out item 2330-0100 and inserting in place thereof the following item:

"2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance and for the operation of the Newburyport Shellfish Purification Plant and shellfish classification program; provided, that funds shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and the Barnstable County Department of Health and the Environment; provided further, that the sum expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2005 levels except in proportion to adjustments consistent with the department's budget adjustments; and provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator, the Martha's Vineyard Shellfish Group, Inc. and Nantucket County ..... 3,716,824";

In item 2511-0100 by striking out the figures "3,589,711" and inserting in place thereof the figures "3,732,692";

By striking out item 2800-0100 and inserting in place thereof the following item:

"2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the Department; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs

incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2006; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that no funds shall be expended for deputy commissioner positions; provided further, that no funds shall be expended for deputy associate commissioners; provided further, that the department shall maintain and retain all operations, programs, real property and employees related to the Connecticut River Action Program to promote the conservation and protection of the unique natural resources present in the Connecticut River Valley; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than October 6, 2005 detailing the merger of the former metropolitan district commission with the former department

of environmental management into the department of conservation and recreation; provided further, that said report shall include, but not be limited to, the following: (1) the names, salaries, designated by fiscal year, and the positions of all full time equivalent, so-called personnel that were scheduled to be paid out of item 2800-0100 as of September 1, 2003, March 1, 2004, August 1, 2004, March 1, 2005 and August 1, 2005, (2) the job descriptions, employee name, current job title, and the item of appropriation said employees were assigned to in fiscal years 2002 and 2003 and the item of appropriation that they are currently funded from, (3) a list by object class and object code of all expenditures or allocations from items of appropriations under the executive office of environmental affairs in fiscal years 2004 and 2005 on the commonwealth development coordinating council, (4) a list of all deputy commissioners and deputy associate commissioners, their annual salaries and their duties, (5) the number of full time equivalent positions, so-called, that have been eliminated due to said merger, including the name, position, annual salary and documentation that said employee is no longer employed by the department because their position had been eliminated by the merger, (6) any efficiencies that have been achieved from said merger, including a list of internal support services such as finance, human resources, planning, engineering, and management, (7) a list of the staff that were reassigned or terminated because of the merger, (8) details of how the management staff have been reassigned and how they have adopted to said merger, (9) a list of all duplicative efforts and inefficient systems that have been eliminated, (10) a list of any resources that have been shared such as vehicles, heavy equipment, and computer systems, (11) a list of any other efficiencies that have been achieved because of the merger; and provided further, that said secretary shall file a report on the number of employees funded through capital authorizations with the house and senate committees on ways and means not later than October 6, 2005, that shall include, but not be limited to, the following: (1) the number of full time equivalent positions so-called, delineated by fiscal year, item of appropriation and position number, job title and job code for that have been funded from capital authorizations for fiscal years 2001 to 2006 inclusive, for every item of appropriation under control of said secretary, (2) every program that has been funded from capital authorizations for fiscal years 2001 to 2006 inclusive delineated by fiscal year,

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program and item of appropriation and, (3)  
detail every full time equivalent, so-called and  
program that has been moved to capital autho-  
rizations since fiscal year 2001 ..... 4,650,304”;

By striking out item 2800-0101 and inserting in place thereof the following item:

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that \$40,000 shall be expended for aquatic weed control in the Mystic Lakes region of Winchester; provided further however that not less than \$100,000 shall be expended for a comprehensive study, including management plan, for the Taunton River Basin, in accordance with the Executive Office of Environmental Affairs “Proposal for Watershed work Affecting Water Quality-Wastewater Quality-Wastewater Discharges and Stormwater Discharges” dated 2/11/03 to be conducted by the Old Colony Planning Council; provided further, that not less than \$100,000 shall be expended for a grant to the town of Hopkinton for a detailed investigation of North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford, and Upton to determine the extent of seismic testing necessary at said facility and to perform such Seismic testing for Liquefaction and/or other Seismotectonic testing as may be recommended by said investigation; and provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames River Valley communities of Massachusetts in conjunction with the state of Connecticut ..... 1,487,489”;

By striking out item 2800-0200 and inserting in place thereof the following item:

“2800-0200 For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job

opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2006 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; provided further, that \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other establishments; and provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill Center in the town of Milton ..... 6,000,000”;

By inserting after item 2800-0200 the following item:

“2800-0400 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the Department of Conservation and Recreation; provided, that the department shall develop and implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department will immediately implement interim stormwater management practices including but not limited to street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage ..... 500,000”;

By striking out item 2810-0100 and inserting in place thereof the following item:

“2810-0100 For the operation of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches, pools, and, for the oversight of rinks, to protect and manage the division’s lands and natural resources including the



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forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department is authorized to issue grants to public and non-public entities from this item; and provided further, that the level of funding for the beaches from this item in fiscal year 2006 shall not be reduced from fiscal year 2005 ..... 18,978,810”;

By striking out item 2810-0300 and inserting in place thereof the following item:

“2810-0300 For the beaches under the control of the department of conservation and recreation; provided, that the department shall file a report with the house and senate committees on ways and means not later than November 1, 2005 that shall include, but not be limited to, the following: (1) the amount of funding provided to every beach under the control of the department in fiscal years 2004 and 2005, (2) a breakdown of how said funds were spent for every beach and the services that were provided, (3) the items of appropriation used to provide funding, (4) the amount of funding that will be provided for every beach in fiscal year 2006 from this item, and (5) a list of the services or materials for each beach that will be provided from this item; provided further, that not less than \$35,000 shall be expended for the cleanup of Pilayella algae on the Nahant Beach Reservation; and provided further, that not less than \$250,000 shall be appropriated to the Middlesex Canal Commission ..... 1,035,000”;

By striking out item 2810-2040 and inserting in place thereof the following item:

“2810-2040 The division of state parks and recreation may expend revenues collected up to a maximum of \$4,454,826 from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system of the division; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system; provided further, that no expenditures made in

advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that the variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item ..... 4,454,826”;

By striking out item 2820-0100 and inserting in place thereof the following item:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation including, the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that \$60,000 shall be expended for funding of current employees of the Bureau of Forest Fire Control under their new reclassification Firefighter Series; provided further, that \$45,000 shall be allocated for a private contractor to maintain the DCR Lynn Shore Drive facility; provided further, that \$40,000 shall be expended for a traffic study administered by the commissioner of the department of conservation and recreation to improve public safety along Nonantum Road and adjacent parklands, including developing alternatives for narrowing the parkway cross-section, alternatives for safety improvements at the intersections of Charlesbank Road and Maple Street, alternatives for landscape, pathway, lighting, and drainage improvements, and a schedule and cost estimate for the design and construction of the recommendation; provided further, that the Commissioner shall report progress to the Stewardship Council at each meeting until the study reaches completion; provided further, that the Commissioner

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shall ensure public input through two public hearings held in Newton and Watertown during the study — one prior to the initial recommendation, one after release of the initial recommendation but prior to the final recommendation; provided further, that the Commissioner shall ensure public awareness by publishing quarterly progress reports on the Department of Conservation and Recreation website's press release section; provided further, that upon completion of the study, the Commissioner shall deliver the recommendation of the study along with a report addressing public opinion not reflected in the recommendation to the Stewardship Council; provided further, that the Commissioner shall develop a capital project plan to enact the recommendation of the traffic study, including design and implementation; provided further, that the Commissioner shall submit this plan for the next fiscal year budget following the completion of the traffic study; provided further, that \$250,000 shall be expended for the creation and maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham to complete the project created in chapter 149 of the acts of 2004; provided further, that not less than \$297,000 shall be expended for the operation of the James Michael Curley Recreation Center in Boston; provided further, that not less than \$225,000 shall be expended for the southwest corridor park; provided further, that not less than \$3,902 shall be expended on additional school crossing guards for the corner of Mystic Avenue and Shore Drive in the city of Somerville; provided further, that not less than \$250,000 shall be expended for Camp Meigs located in the Readville section of the city of Boston; provided further, that not less than \$250,000 shall be expended for a study on the Neponset river master plan; and provided further, that the level of funding for the beaches from this item in fiscal year 2006 shall not be reduced from fiscal year 2005 ..... 22,891,105”;

By striking out item 6000-0100 and inserting in place thereof the following item:

“6000-0100 For the office of the secretary of transportation; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded

through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation, in collaboration with the commissioner of highways, shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means by June 30, 2006; provided further, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports

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shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0001, 6010-0002 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate the information for full-time employees, part-time employees and contracted personnel; provided further, that notwithstanding any general or special law to the contrary, rules or regulations promulgated by the Outdoor Advertising Board, pursuant to section 29 of chapter 93 shall not prohibit the repair, modification, reconstruction or replacement of a pre-existing billboard, sign or other advertising device if the sole reason for such repair, modification, reconstruction or replacement is the termination of a contract, rental agreement or lease agreement between the owner of the land here said pre-existing billboard, sign or advertising device is located and a person, firm, association or corporation engaged in the outdoor advertising business who is not an owner of said land; provided further, that the billboard, sign or other advertising remains the same size and dimension and shall not be substantially more detrimental than the pre-existing billboard, sign or other advertising was immediately before said repair, modification, reconstruction or replacement; provided further, that said repair, modification, reconstruction or replacement of said pre-existing billboard, sign or other advertising device shall occur within 60 days of the termination of said contract, rental agreement or lease agreement; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements .....  
Highway Fund ..... 100.0%”;

204,158

By inserting after item 6000-0110 the following item:

“6000-0200 For the inter-district transportation program; provided, that this program shall include, but not be limited to, bus routes Lift 5, 6, and 7, so-called, Gulbankian Bus Line and Cavalier Coach Post Road Line; provided further, that said program shall be administered by the executive office of transportation; provided further, that the executive office of transportation is hereby authorized and directed to negotiate an extension of all existing contracts for this fiscal

year; provided further, that prior to the execution of said extensions, and at the end of fiscal year 2006, the executive office shall request and contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided further, that said compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation ..... 1,500,000”;

In item 6005-0015 by striking out the figures “49,182,640” and inserting in place thereof the figures “50,182,640”;

By striking out item 6010-0001 and inserting in place thereof the following item:

“6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges, and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object class; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that such reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation for

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approval requests to repair vehicles costing in excess of the limit set forth in said section 22 of said chapter 7; provided further, that the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within the areas shall be paid from this item; provided further, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that portions of state highway routes 1A, 129, 129A, 114, and 127 in the cities of Lynn, Salem, Beverly and Gloucester and the towns of Swampscott, Marblehead, and Manchester-by-the-Sea, and Rockport hereby be designated as a state scenic byway; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair1 ..... 5,281,640”;

Amendments  
adopted,  
yea and nay  
No. 44.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call 158 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 44 in Supplement.]**

Therefore the amendments were adopted.

Suspension of  
Rule 1A.

The Chair (Mrs. Harkins of Needham) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A  
suspended,  
yea and nay  
No. 45.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 126 members voted in the affirmative and 33 in the negative.

**[See Yea and Nay No. 45 in Supplement.]**

Therefore Rule 1A was suspended.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 8000-0000, in line 8, by inserting after the word “General” the following:— “, 1 of whom shall be a representative of organized labor and 1 of whom shall be a representative of management and chapters 268A and 268B of the General Laws shall not apply to members of the commission who are not otherwise subject to said chapters 268A and 268B and provided, further, that the commission shall not be subject to sections 11A and 11A1/2 of chapter 30A of the General Laws”

By striking out item 8000-0010 and inserting in place thereof the following item:

“8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further,

that any community earmarked to receive community policing funds in item 8000-0010, in section 2 of chapter 26 of the acts of 2003, including funds allocated by section 67 of chapter 140 of the acts of 2003, or in item 7003-0702 in section 2 of chapter 149 of the acts of 2004, shall receive 100 per cent of the amount so earmarked in fiscal year 2006; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel or payments for non-related overtime; provided further, that not less than \$25,000 shall be made available for the safe use of the neponset river bicycle path in the town of Milton; and provided further, that not later than March 15, 2006 the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants ..... 20,292,596”;

By striking out item 8100-0000 and inserting in place thereof the following item:

“8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purposes of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of said department; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; providing further, that the amount of \$75,000 shall be expended for the 5-A Program, so called, in Springfield; provided further, that the department may enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforce-

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ment in the executive office of environmental affairs, department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, that office; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds in fiscal year 2005 shall receive 100 per cent of the amount so earmarked in fiscal year 2006; provided further, that not less than \$750,000 shall be expended to curb gang-related activities in the cities of Boston, Brockton, Chelsea, Lawrence, Revere, Springfield and Worcester; and provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the criminal justice training council and the criminal history systems board ..... 208,943,233”;

By striking out item 8200-0200 and inserting in place thereof the following item:

“8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that the council shall expend not less than \$250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; and e) a state-wide 3 day training conference on management, legal and leadership issues; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that not less than \$50,000 shall be expended for the purpose of a feasibility study of a multi-use public safety structure in the town of Paxton; provided further, that not less than \$25,000 be provided to the Municipal Police Training Academy located in the town of Boylston for the purpose of increased rental, maintenance and utility costs to be paid to the town of Boylston; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of

this item to exceed the amount appropriated in this item ..... 3,069,814”;

By striking out item 8324-0000 and inserting in place thereof the following item:

“8324-0000 For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program and the Massachusetts fire-fighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal’s office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that \$100,000 shall be expended to Norfolk County for the purpose of the establishment of the Norfolk County dispatch center at the Massachusetts Hospital School in Canton; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2006 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative costs of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; and provided further, that not less than \$100,000 be

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expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment, and supplies ..... 9,834,760”;

In item 8400-0001 by striking out the figures “46,238,029” and inserting in place thereof the figures “46,488,029”;

By striking out item 8800-0300 and inserting in place thereof the following item:

“8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term “electric companies” shall not include municipalities or municipal light plants; provided further, that not less than \$75,000 shall be expended for the upgrading and installation of updated monitoring equipment for C-10 of Newburyport this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2006 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels ..... 165,356”;

By striking out item 8900-0001 and inserting in place thereof the following:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that the department shall expend not less than \$1,008,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates

incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction; provided further, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety and homeland security before January 1 of each year the point score compiled by the department of correction’s objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; provided further, that not less than \$100,000 be spent to conduct a comprehensive study of resources and best practices that develop and strengthen the family connections of women inmates and their children; and provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the Massachusetts parole board and the sex offender registry board ..... 430,764,325”;

In item 8910-0000, in line 106, by inserting after the word “revenues” the following: “; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2006 Suffolk county correction operating budget as approved by the county government finance review board”;

By striking out item 8910-6619 and inserting in place thereof the following item:

“8910-6619 The Essex Sheriff’s department may expend for the operation of the department an amount not to exceed \$2,000,000 from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the general fund before the retention by the department of any of these revenues as certified by the comptroller; pro-

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vided further, that said quarterly payments shall total \$600,000 in fiscal year 2005 and provided further, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; that notwithstanding any general or special law to the contrary, for purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... 2,000,000”;

By striking out item 8910-7100 and inserting in place thereof the following item:

“8910-7100 The Massachusetts Sheriffs’ Association may expend for the operation of said association an amount not to exceed \$286,000 from revenues received from voluntary contributions from state and county sheriffs; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary to the Massachusetts Sheriffs’ Association for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 or to chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the 14 sheriffs of the commonwealth shall form an agreement to fund the costs of this item in future fiscal years; provided further, that the executive director of the Association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2006; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2006 ..... 286,000”;

and in item 8950-0001 by striking out the figures “13,336,481” and inserting in place thereof the figures “13,436,481”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty of Chelsea; and on the roll call 159 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 46 in Supplement.]**

Therefore the amendments were adopted.

Amendments  
adopted,  
yea and nay  
No. 46.

*Recess.*

At five minutes after ten o’clock P.M. (Wednesday, April 27), on motion of Mrs. Haddad of Somerset (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of eleven o’clock A.M. on Thursday, April 28; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

*Recess.*

#### Thursday, April 28, 2005 (at 11:00 o’clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator and Judge, as we address the purpose, goals, spirit and specific items in this year’s state budget and our legislative choices, we recognize this reality: we are all members of the one human family, Your family. We depend upon the goodwill of each other, neighbors and citizens, as we strive to make our diverse communities safe for individuals and families, prosperous and open to all. Teach us to be aware of the needs of all in our districts from the youngest child to the most senior adult and to utilize wisely our great human and material resources. As we exercise our constitutional freedoms and responsibilities while respecting the freedoms and the equal intent of all, guide us in formulating public policy and in selecting our best legislative options. May we be faithful to You, Your ways and guidelines in our search for peace of mind and successful living.

*Prayer.*

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Pledge of  
allegiance.*

#### *Statement of Representative Petersen of Marblehead.*

A statement of Mr. Petersen of Marblehead was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was present in the House Chamber at yesterday’s sitting and voted in the affirmative on roll call number 46. However, I now find that, for some inexplicable reason, I was not recorded.

*Statement of  
Representative  
Petersen of  
Marblehead.*

#### *Guests of the House.*

During the session, Mr. Rush of Boston took the Chair, declared a brief recess and introduced the 2005 Division I State Hockey Champion Catholic Memorial High School Boys hockey team, accompanied by their coach, Bill Hanson. Mr. Sullivan of Fall River then took the Chair and read the names of the members of the team, including his son, Brendan Sullivan, who was voted MVP by the team members. Also included on the team is Michael Diorio, grandson of former Representative Michael Nazzaro of Boston. They were the guests of Representatives Rush and Sullivan.

*Catholic  
Memorial  
High School  
hockey  
team.*

Laurel  
Labdon.

Mr. Petrolati of Ludlow then took the Chair, declared a brief recess and introduced Laurel Labdon, Ms. Wheelchair Massachusetts, 2005. Ms. Labdon, who will be competing in the Ms. Wheelchair America Pageant in Albany, New York, on July 19th, will travel throughout the Commonwealth speaking on behalf of all Americans with disabilities. She was the guest of Representatives Turner of Dennis and Gomes of Harwich.

#### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Groton,  
founding.

Resolutions (filed by Mr. Hargraves of Groton) congratulating the town of Groton on the three hundred and fiftieth anniversary of its founding;

Thomas  
Chirillo.

Resolutions (filed by Mr. Mariano of Quincy and other members of the House) on the occasion of the retirement of Thomas Chirillo;

Kimberly  
Haley.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Kimberly Haley named Billerica Lodge of Elks #7021 Senior of the Year 2005;

South Shore  
Charter  
Public School.  
Michael E.  
Haynes.

Resolutions (filed by Mr. Nyman of Hanover) honoring the South Shore Charter Public School on the occasion of its tenth anniversary;

Gregory  
Andrews.

Resolutions (filed by Mrs. Owens-Hicks of Boston and other members of the House) congratulating Reverend Michael E. Haynes;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Gregory Andrews of Norfolk upon his elevation to the rank of Eagle Scout;

Will  
Small.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Will Small of Norfolk upon his elevation to the rank of Eagle Scout;

William P.  
Stillman, III.

Resolutions (filed by Mr. Ross of Wrentham) congratulating William P. Stillman, III of Norfolk upon his elevation to the rank of Eagle Scout;

Danvers  
High School  
Marching Band.  
Stephen Lee  
Gross.

Resolutions (filed by Mr. Speliotis of Danvers) honoring the achievements of the Danvers High School Falcon Marching Band;

Resolutions (filed by Mr. Stanley of Waltham) congratulating Stephen Lee Gross on receiving the Eagle Award of the Boy Scouts of America;

Katherine  
O'Kane.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Katherine O'Kane on receiving the Gold Award of the Girl Scouts of America; and

Kelly  
O'Kane.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Kelly O'Kane on receiving the Gold Award of the Girl Scouts of America;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Seth Lewis  
Bailin.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Seth Lewis Bailin on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Frank Brady Scardino on receiving the Eagle Award of the Boy Scouts of America;

Frank Brady  
Scardino.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peisch, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Engrossed Bills.*

##### *Engrossed bills*

Relative to the collection of certain taxes in the town of Sandwich (see Senate, No. 2026) (which originated in the Senate); and

Bills  
enacted.

Relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (see House, No. 2795) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Recess.*

At half past eleven o'clock A.M. (Thursday, April 28), on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at eighteen minutes after twelve o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

Recess.

#### *Quorum.*

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 47.

#### **[See Yea and Nay No. 47 in Supplement.]**

Therefore a quorum was present.

#### *Orders of the Day.*

The House Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 999), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Nyman of Hanover; and it was passed to be engrossed. Sent to the Senate for concurrence.

Rockland,  
validate  
acts.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest,

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sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, in item 7070-0065, in line 82, by inserting after the word "opportunity;" the following: "; provided that not less than \$800,000 shall be directed to One Family Inc. for the purpose of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level, or who have experienced homelessness within the previous 12 months; provided further that said funds shall be expended for scholarships and assistance with living expenses at accredited institutions of higher learning in the Commonwealth of Massachusetts; provided further that each scholarship shall be matched dollar-for-dollar by One Family Inc.; provided further that the scholarship recipients shall be monitored and tracked for their progress and that the results shall be reported to the Commonwealth on a bi-annual basis through the Board of Higher Education";

In said item, in line 84, by inserting after the word "public" the words "or independent";

In said item by striking out the figures "82,373,454" and inserting in place thereof the figures "83,173,454";

In item 7077-0023 by striking out the figures "3,304,000" and inserting in place thereof the figures "3,554,000";

By inserting after item 7077-0023 the following item:

"7080-0100 For the board of higher education to distribute the segment parity portion of the higher education funding formula to achieve state support parity in all community and state colleges, provided that this distribution will reflect the formula as submitted to the house committee on ways and means on March 4, 2005, and provided further, that said distribution will take place not later than 30 days after the effective date in this act .. 1,069,267";

By striking out item 7100-0200 and inserting in place thereof the following item:

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that not less than \$500,000 shall be expended for the operation of the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided that not more than \$368,000 shall be expended for the Mauricio Gaston Institute at UMASS Boston for Latino Community Development and Public

Policy; provided further, that the sum expended for the University of Massachusetts at Amherst Cranberry Experiment Station at Wareham in fiscal year 2006 shall not be reduced from fiscal year 2005 levels, except in proportion to adjustments consistent with the university budget adjustments; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that the sum expended for the UMass Extension in fiscal year 2006 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed by the UMass Extension Board of Public Overseers; provided further, that not less than \$250,000 shall be expended for labor studies programs at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that any increases in funding allocated to the flagship campus at Amherst in fiscal year 2006 compared to fiscal year 2005 shall be expended on the "250 initiative" for additional faculty positions at the Amherst campus; provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center For Business Research; provided further, that not less than \$50,000 shall be expended for the 4-H program; and provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance ..... 400,535,034";

By striking out item 7100-0350 and inserting in place thereof the following item:

"7100-0350 For an assessment at the toxic use reduction institute on the feasibility of adopting chemical and/or technological alternatives for the following toxic or hazardous substances: lead, formaldehyde, perchloroethylene, hexavalent chromium, and di-(2-ethylhexyl)phthalate (DEHP); provided, that said assessment shall, for each named toxic or hazardous substance, identify: (1) significant uses of the toxic substance in the Commonwealth in manufacturing, consumer products and any other applications, (2) potential human health and environmental impacts, (3) any and all alternative chemicals and/or technologies, both proven and emergent, and an analysis of their potential to serve as substitutes for one or more of the toxic or hazardous substances list above, which shall include a assessment of: (a) specific applica-

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tions of any alternative chemical and/or technology, (b) potential impacts on the environment, human health, workers, employment level and economic competitiveness of the Commonwealth from adopting and implementing any alternative chemical and/or technology as substitutes, (c) the economic opportunities or feasibility of adopting and implementing any alternative chemical and/or technology as a substitute including, but not limited to, consideration of the potential effects on capital, operating and production unit costs, and product price, to result from said substitution; and provided further, that the Institute shall report its findings to the joint committee on environment, natural resources and agriculture by July 1, 2006 .....

250,000";

In item 7112-0100 by inserting at the end thereof the following: “; provided, that not less than \$160,000 shall be expended for the regional economic research center; and provided further, that \$130,000 shall be expended for the operation of the commonwealth’s global education center”;

By inserting after item 7113-0100 the following item:

“7113-0105 For the Massachusetts College of Liberal Arts for capacity building at the Massachusetts College of Liberal Arts in conjunction with a pilot wireless learning initiative in conjunction with the Massachusetts Technology Collaborative; provided, that not less than \$100,000 shall be expended for the assessment and evaluation of the higher education resources available to residents of Berkshire County .....

350,000”;

By inserting after item 7511-0100 the following item:

“7511-0101 For the establishment and administration of the public policy institute and resource center at North Shore Community College .....

250,000”;

In item 7518-0100 by adding at the end thereof the following: “; provided further that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section in the city of Boston”;

In item 7515-0100 by striking out the figures “9,126,204” and inserting in place thereof the figures “9,236,468”;

In item 7515-0120 by striking out the figures “810,000” and inserting in place thereof the figures “946,000”; and

In section 23 by inserting after the paragraph contained in lines 1 to 12, inclusive the following paragraph:

“Notwithstanding any general or special law to the contrary, the board of higher education is hereby authorized and directed to establish a two year pilot program for out of state tuition retention at the Massachusetts College of Liberal Arts; provided further, that said regulations shall ensure that no resident of Massachusetts is denied admission to the Massachusetts College of Liberal Arts as a result of said tuition retention project. The board shall issue a report on the

progress of said initiative no later than February 1, 2006 and 2007 to the house and senate chairs of the joint committee on education, arts and humanities, and the chairs of the house and senate ways and means committees. Said report shall include the number of out of state students attending said college, the amount of tuition retained under said program, and the programs or initiatives funded with said retained revenue.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Lowell; and on the roll call 155 members voted in the affirmative and 0 in the negative.

### [See Yea and Nay No. 48 in Supplement.]

Therefore the amendments were adopted.

Subsequently a statement of Mr. Festa of Melrose was spread upon the records of the House, as follows:

MADAM SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Evangelidis then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

At five minutes before one o’clock P.M. (Thursday, April 28), on motion of Mr. Tobin of Quincy (Mrs. Harkins of Needham being in the Chair), the House recessed until two o’clock; and at that time the House was called to order with Mrs. Harkins in the Chair.

The House thereupon took a further recess, on motion of Mr. Kafka of Stoughton, until a quarter before three o’clock P.M.; and at three minutes after three o’clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

### [See Yea and Nay No. 49 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Evangelidis of Holden was spread upon the records of the House, as follows:

MADAM SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House; and I was not notified that a quorum call was in progress.

Mr. Evangelidis then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

At eight minutes after three o’clock P.M. (Thursday, April 28), on motion of Mr. Donato of Medford (Mrs. Harkins of Needham being in the Chair), the House recessed until half past three o’clock; and at five minutes before four o’clock House was called to order with Mrs. Harkins in the Chair.

Amendments  
adopted,  
yea and nay  
No. 48.

Statement of  
Representative  
Festa of  
Melrose.

Recesses.

Quorum.

Quorum,  
yea and nay  
No. 49.

Statement of  
Representative  
Evangelidis of  
Holden.

Recesses.

The House thereupon took a further recess, on motion of Ms. St. Fleur of Boston, until a quarter after four o'clock P.M.; and at a quarter before five o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Timilty of Milton and other members of the House then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 42. Notwithstanding the provisions of any general or special law to the contrary, Section 90C¾ of Chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the title and inserting in place thereof the following:—

Increasing allowance of former state and metropolitan district police officers retired after at least twenty years of service.

SECTION 43. Section 90C¾ of Chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the text contained therein and inserting in place thereof the following:—

Section 90C¾. A former state or metropolitan district police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement."

The amendment was rejected.

Mr. Timilty of Milton then moved that the bill be amended in section 2, in item 7061-0012, by adding at the end thereof the following: "Section 72, of Chapter 44 of the General Laws is hereby amended by inserting the following: "provided that one half of all Federal funds for reimbursable medical services, pursuant to this chapter, received by the Town of Milton shall be deposited in a separate account for expenditure by the school committee for educational purposes."; and the amendment was rejected.

Mr. Hill of Ipswich and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 42. Subsection b of section 5A of Chapter 71 B of the general laws as appearing in the 2002 official edition by adding after the words 'meanings' the following:—

'In-district programs,' shall consist of special education services provided in a facility used by any school district to educate children with disabilities and children without disabilities pursuant to chapter 71 or a separate facility wholly operated by a school district exclusively for students who reside in that district with significant and severe disabilities whose needs cannot be met in a less restrictive setting and who otherwise would be served in private special education day or residential schools; provided, however, that such separate facilities shall be approved by the department of education

before being designated as 'in district programs' for the purpose of this section.

'Out of district programs', shall consist of special education services provided in a facility used exclusively for the purpose of this chapter."

And further moved to amend the bill in subsection of section 5A of Chapter 71B of the general laws as appearing in the 2002 official edition by adding after the words "foundation budget" the following:— "for the cost of out of district programs and the costs of programs shall be reimbursed at 75 per cent of all the approved costs that exceed 3 times the state average per pupil foundation budget for the cost of in-district programs."

Pending the question on adoption of the amendment, Mrs. Haddad of Somerset moved that it be amended by adding at the end thereof the following sentence: "Notwithstanding any general or special law to the contrary, the provisions of this section shall not take effect until such time as the joint committee on education has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth to the house and senate committees on ways and means and approved by an act of the General Court, but said report shall be filed no later than March 1, 2006."

The further amendment was adopted. The amendment, as amended, then also was adopted.

Mr. DeLeo of Winthrop then moved that the bill be amended in section 2, in item 7000-9101 by striking out the figures "925,863" and inserting in place thereof the figures "985,720";

In item 7000-9401 by striking out the figures "14,980,361" and inserting in place thereof the figures "15,230,361";

In item 7000-9501 by striking out the figures "8,539,844" and inserting in place thereof the figures "9,039,844";

In item 7000-9506 by striking out the figures "691,881" and inserting in place thereof the figures "841,881";

By striking out item 7010-0005 and inserting in place thereof the following item:

"7010-0005 For the operation of the department of education; provided, that the department, in collaboration with the Governor's Commission on Gay and Lesbian Youth, shall allocate not less than \$75,000 for programming to ensure public schools' compliance with the Board of Education's recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; provided further, that the department shall report to the legislature on the feasibility of incorporating a median income component into the current Chapter 70 school funding formula; provided further, that said report shall be provided to the house and senate chairs of the joint committee on education, the chairs of the house and senate committees on ways and means, and the secretary of administration and finance, no later than September 15, 2005; provided further, that

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funds from this item shall be expended for the salary of a deputy commissioner who shall serve as a chief operating officer for the department, and shall have responsibility for overseeing all operational details of the department, in order to ensure that all offices and divisions within said department operate according to a common strategic vision and coordinated planning process, and that all actions, public statements and decisions of deputy commissioners, assistant commissioners, and staff are consistent with said vision, and reflect board of education policy, the goals and intent of the General Court, and all applicable statutory mandates and requirements of the General Laws; provided further, that not later than November 15, 2005, the department shall submit to the secretary of administration and finance, the chairs of the house and senate ways and means committees, and the house and senate chairs of the joint committee on education a report on the current organization of the department, with an operational flow chart detailing responsibilities and duties of each deputy commissioner, associate commissioner, or other person with supervisory responsibility in the department; provided further, that said report shall detail the means by which the department shall coordinate planning and operations functions, and describe the strategic vision of the department, along with a detailed implementation plan for realizing that vision..... 9,597,805”;

In item 7010-0012 by striking out the figures “15,615,313” and inserting in place thereof the figures “17,615,313”;

By striking out item 7010-0030 and inserting in the place thereof the following item:

“7010-0030 For fiscal year 2006 reimbursements to certain cities, towns and regional school districts of the per pupil capital needs component included in the charter tuition amount for commonwealth charter schools, calculated pursuant to subsection (nn) of section 89 of chapter 71 of the General Laws; provided, that if the funding in this item is not sufficient to fully fund districts for the cost of said per pupil capital needs component of the charter school tuition formula, the department shall proportionately reduce the amount charged to sending districts associated with said per pupil capital needs component; provided further, that funds may be expended from this item to provide one time “hold harmless” grants to charter schools to ensure that no charter school receives less funding in tuition payments in fiscal year 2006 than it received in fiscal year 2005; provided further, that no funds shall be expended on said “hold harmless” grants until the per pupil capital needs compo-

nent required by subsection (nn) has been fully funded; provided further, that no funds shall be expended on said “hold harmless” grants where the reduction in tuition is the result of charter school restructuring required by the board of education as a condition of charter renewal; and provided further, that, should additional funds be insufficient to fully fund the “hold harmless” grants, so-called, said grants may be pro-rated by the department to all eligible charter schools... 14,776,000”;

By striking out item 7027-0016 and inserting in place thereof the following item:

“7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state’s matching grant for the CS-squared program at the Corporation for Business, Work and Learning; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; and provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program ..... 1,719,566”;

By striking out item 7027-0019 and inserting in place thereof the following item:

“7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching

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grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; provided further, that \$250,000 shall be expended for a pilot program that targets at-risk youth, Amer-I-Can, so called, and provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield ... 4,629,687”;

By striking out item 7030-1003 (previously inserted by amendment), and inserting in place thereof the following item:

“7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3 in the commonwealth; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible; provided further, that not less than \$60,000 be expended for the Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$100,000 shall be expended for improvements to promote general literacy and literacy for disabled persons in the town of Braintree; provided further, that not less than \$100,000 be expended for the TU-LEAP Program of Boston for after-school academic and literacy achievement programs provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that \$385,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school

district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary ..... 3,722,989”;

By striking out item 7030-1005, and inserting in place thereof the following item:

“7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long-term results, including identifying students in need of additional help not later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results; provided further, that not less than \$300,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers in one-to-one early intervention tutorial literacy programs; and provided further, that said programs provide ongoing documentation and evaluation of results ..... 2,700,000”;

In item 7035-0006 by striking out the figures “38,000,000” and inserting in place thereof the figures “42,500,000”;

In item 7051-0015, in line 1, by striking out the words “the administration of the emergency food assistance program” and inserting in place thereof the words “operating funds to distribute food for the Massachusetts emergency food assistance program”;

In item 7061-0012, in line 16, by striking out the figures “525,000” and inserting in place thereof the figures “575,000”;

In said item, in line 23, by inserting after the word “students” the following: “; provided further, that of this \$575,000 not less than \$25,000 shall be expended for a pilot program for Recording for the Blind and Dyslexic to provide the 10th grade math and English learning arts MCAS tests in audio digital format for the fall and spring of the 2005-2006 school year; provided further, that \$300,000 shall be expended for the costs of four incentive, start-up grants to educational collaboratives to provide partial funding for a full time transportation coordinator, administrative support and for the purchase of specialized transportation route planning software for the purposes of implementing a pilot program to demonstrate that transportation of students to out-of-district special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to education collaboratives which would be responsible for the transportation of students to all out-of-districts programs located within the pilot program collaborative catchment area”;

In item 7061-9404, in line 71, by inserting after the word “clubs” the following: “; provided further, that not less than \$60,000 be

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expended to Casa Dominicana in Lawrence; provided further, that not less than \$1,000,000 shall be transferred to JFYNetWorks, formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the Massachusetts Comprehensive Assessment system examination through instructional computer software; provided further that not less than \$60,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided further, that not less than \$25,000 shall be expended for School Link Services at the Pet-tengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools”;

In item 7061-9612 by striking out the figures “1,199,231” and inserting in place thereof the figures “1,274,231”;

In item 7061-9621 by striking out the figures “250,000” and inserting in place thereof the figures “500,000”;

In item 7061-9626 by striking out the figures “1,200,000” and inserting in place thereof the figures “1,450,000”;

By inserting after item 9700-0000 the following item:

“9700-0100 For a special commission on after school and out of school time; provided, that funds shall be expended from this item for consultants, facilitators, research assistance, and the purchase of needed services for said commission; provided further, that said working group on after school and out-of-school time shall undertake a study and make recommendations on how to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings provided further, that said working group shall consist of: one member appointed by the Speaker of the House of Representatives, one member appointed by the Senate President, the chairs of the house and senate committees on ways and means or their designees, the house and senate chairs of the joint committee on education or their designees, the house and senate chairs of the joint committee on children and families or their designees, the commissioner of the department of early education and care, the commissioner of the department of education, the commissioner of the department of public health, one member chosen by each of the following organizations: Massachusetts 2020, the United Way of Massachusetts Bay, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Association of Elementary School Principals, the Massachusetts Association of Regional Schools, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Massachusetts Parent-Teacher Association, the Massachusetts Association of Day Care Agencies, the Massachusetts Independent Child

Care Organization, the Massachusetts School-Age Coalition, the Massachusetts Community Action Program, the Massachusetts Child Care Resource and Referral Agencies Network, the YMCAs of Massachusetts, Parents Alliance for Catholic Education, Parents United for Child Care, or its successor organization, one person chosen by the co-chairs who shall be a representative of family child care, one member who shall be chosen by the co-chairs who shall be a representative of non-public schools, and no fewer than 6 representatives selected by the Massachusetts Afterschool Partnership, with consideration of the broad constituency of out of school time, including providers, educators, parents of school-age children, advocates for school-age children’s services, business, community and religious leaders, representatives of higher education, law enforcement officials, philanthropic leaders, and individuals with knowledge and experience in the fields of out-of-school time; provided further, that the Senate President and Speaker of the House shall appoint the co-chairs of the working group; provided further, that the chairs of the working group may expend funds from this item for services the chairs find necessary to conduct the study and to support the timely completion of its report provided further that the working group shall consider settings including, but not limited to, public and private out-of-school time programs located in schools and in community based organizations and programs in non-public schools; provided further, that in carrying out its study, the working group shall advise the General Court, the Department of Early Education and Care, the Department of Education and other administrative agencies who work with school age children to ensure that there is a continuity of services for children as they grow and develop and to avoid duplication of effort as these agencies continue to make administrative and programmatic improvements; provided further, that in carrying out its study, the working group shall evaluate different age populations served by before school, after school and out-of-school time programs and identify ways to best support their needs; provided further, that the working group shall review existing data on the effectiveness of out-of-school time programming in the commonwealth; provided further, that in carrying out its study, the working group shall hold no fewer than nine hearings in, at minimum, the following regions of the commonwealth: Western Massachusetts, Central Massachusetts, Metrowest, Southeastern Massachusetts, the Cape and Islands, the Merrimac Valley, the

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North Shore, the South Shore, and Greater Boston; provided further, that the working group shall solicit testimony from interested stakeholders including, but not limited to, the following: staff of after school and out-of-school time programs; parents of school-age children; advocates for school-age children's services; business, community and religious leaders; representatives of higher education; law enforcement officials; philanthropic leaders, and individuals with knowledge and experience in the field of out-of-school time; provided further, that the commission shall make recommendations to: (1) coordinate, integrate, and streamline publicly funded out-of-school time administration and functions; (2) coordinate resources and policies regarding public funding streams for school age children; (3) strengthen consumer education; (4) create an effective data collection system to support the necessary functions of a consolidated system; (4) establish the appropriate balance between funding for direct provision of service, for quality enhancement, and for administration; and (5) ensure the creation of a workforce system to support education, training and compensation of the out-of-school time workforce; provided further, that the working group shall submit a report containing its recommendations to the Governor, the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on education and the joint committee on children and families not later than December 15, 2005; provided further, that the joint committee on education and the joint committee on children and families shall review the recommendations of the working group on after school and out-of-school time; and provided further, that the committees shall make recommendations not later than February 1, 2006 to the General Court, along with any legislative or budgetary recommendations necessary to best support accessible, affordable, quality out-of-school time programming for school age children ..... 100,000";

By inserting after section 5 the following section:

"SECTION 5A. Section 13 of Chapter 58 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the words 'and certain properties in the town of Stoneham' and inserting in place thereof the words 'Middlesex Fells Reservation'."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 158 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 50 in Supplement.]**

Therefore the amendments were adopted.

Amendments  
adopted,  
yea and nay  
No. 50.

At ten minutes before six o'clock P.M. (Thursday, April 28), on motion of Mrs. Owens-Hicks of Boston (Mrs. Harkins of Needham being in the Chair), the House recessed until a quarter after seven o'clock; and at twenty-nine minutes after seven o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until eight o'clock P.M.; and at one minute before nine o'clock the House was called to order with the Speaker in the Chair.

Representatives Perry of Sandwich and Parente of Milford then moved that the bill be amended by striking out section 5; and the amendment was adopted.

Mrs. Parente moved that this vote be reconsidered; and the motion to reconsider was negatived.

*Recess.*

At two minutes after nine o'clock P.M. (Thursday, April 28), there being no objection, on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until the hour of eleven o'clock A.M. on Friday, April 29; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

#### **Friday, April 29, 2005 (at 11:00 o'clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Ever-Present God, we pause for a moment to focus our attention on You, Our Creator, human and spiritual values and to ask for Your guidance and assistance. Each day, we struggle to offer You and constituents our best and most honorable intentions, efforts and decisions. In our free and democratic society, our views and opinions as legislators and citizens often differ on important philosophical, political and ethical issues and policies. We respect the rights of all with whom we may disagree to express openly and freely their views and feelings. As a commonwealth, however, we are united in our commitment to serve people and their many needs, the common good, the future of our children and our communities and to seek and speak truth.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

*Recesses.*

At seven minutes after eleven o'clock A.M. (Friday, April 29), on motion of Mr. Nangle of Lowell (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-three minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Kafka of Stoughton, until half past one o'clock P.M.; and at one minute after two o'clock the House was called to order with Mr. Petrolati in the Chair.

*Statement Concerning Representative Galvin of Canton.*

A statement of Mr. Kafka of Stoughton concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Galvin of Canton, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Galvin of Canton.

*Statement of Representative Khan of Newton.*

A statement of Ms. Khan of Newton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact I will not be able to be present in the House Chamber for the remainder of today's sitting due to a long-standing family obligation. Any roll calls that I may miss will be due entirely to the reason stated.

Statement of  
Representative  
Khan of  
Newton.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Casey of Winchester, Fallon of Malden and Natale of Woburn) celebrating the one hundredth anniversary of the Stone Zoo;

Resolutions (filed by Mr. Galvin of Canton) on the occasion of the retirement of Jim Brown, Jr.; and

Resolutions (filed by Mr. Nyman of Hanover) honoring the South Shore Charter Public School on the occasion of its tenth anniversary;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Quinn of Dartmouth, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Stone  
Zoo.

Jim  
Brown, Jr.

South Shore  
Charter  
Public School.

*Communication.*

A communication from the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was read for the information of the House; and it was placed on file.

Norfolk County  
Registry of  
Deeds.

*Petitions.*

Mr. Lepper of Attleboro presented a petition (subject to Joint Rule 12) of John A. Lepper and Scott P. Brown relative to the health care security trust fund; and the same was referred, under Rule 24, to the committee on Rules.

Health care,  
trust fund.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

Mr. Galvin of Canton presented a petition (subject to Joint Rule 12) of William C. Galvin relative to the retirement of clerk/magistrates, clerks of court, recorder and registers; and the same was referred, under Rule 24, to the committee on Rules.

Clerks of  
court,  
retirement.

*Papers from the Senate.*

A Bill authorizing the town of Abington to establish a capital improvement trust fund (Senate, No. 2025) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Abington,  
capital  
improvement.

A report of the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 764) of Jarrett T. Barrios, Marie P. St. Fleur, Deborah D. Blumer, Andrea F. Nuciforo, Jr. and other members of the General Court for legislation relative to in-state tuition rates and fees at public higher education institutions, and recommending that the same be referred to the House committee on Ways and Means,—accepted by the Senate, in so much as relates to the discharge of the committee, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Higher  
Education,  
tuition  
and fees.

*Report of a Committee.*

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Rowley to change the use, the care, custody and control of a portion of town conservation land (House, No. 1721) [Local Approval Received] be scheduled for consideration by the House.

Rowley,  
conservation  
land.

Under suspension of Rule 7A, on motion of Koutoujian of Waltham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Stanley of West Newbury, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed



by said committee to read: "An Act authorizing the town of Rowley to lease certain conservation land.". Sent to the Senate for concurrence.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 4000-0300 and inserting in the place thereof the following item:

"4000-0300 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade

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and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, to providers by item of appropriation from which said payments were made; provided further,

that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that notwithstanding any general or special law to the contrary, for fiscal year 2006 the definition of a rural hospital shall mean an acute care hospital as defined under section twenty-five B of chapter 111 of the General Laws and licensed under said chapter 111, which: (1) has been designated by the executive office as a rural hospital based on bed size, city or town population, and population density of the city, town, service area or county as determined by the executive office through regulation; or (2) is a hospital currently designated as a Critical Access Hospital by the Federal Department of Health and Human Services in accordance with federal regulations and state requirements; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the initiative; provided further, that notwithstanding any general or special law to the contrary, thirty percent of the remaining funds made available

pursuant to the fourth sentence of section 407 of chapter 149 of the acts of 2004 are to be paid in fiscal year 2006 to a municipality in Essex county to defray debt, resulting from the operation of a former municipally-owned hospital; provided further, that these funds shall only be made available if said payments are established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the commonwealth's Title XIX state plan, or the terms and conditions of agreements reached with the executive office for such payments; provided further, that notwithstanding the provisions of any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund, established under section 2FF of chapter 29 of the General Laws, in the same per centages as expenditures are made from this item; provided further, that in determining inpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions, rate adjustments and passthrough payments, as was in effect on July 1, 2003; provided further, that in determining outpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions and rate adjustments, as was in effect on October 1, 2003; provided further, that any hospital with a unit designated as a pediatric specialty unit, as defined by this act, shall be exempt from the inpatient and outpatient efficiency standards, so called, being applied to their rate methodology; provided further, that said executive office shall use the same pricing methodology for durable medical equipment and oxygen as was in effect on July 1, 2003; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that payment for inpatient cases with a case mix acuity greater than 5.0 shall be at least equal to 85% of the expenses incurred in pro-

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viding services to those children; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2005; provided further, that said executive office in fiscal year 2006 shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that not later than September 1, 2005, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing reasons for increases in charge-backs between fiscal years 2005 and 2006 for all 17 executive office cluster agencies including, but not limited to, service rates used in determining each charge type, number of staff hours per agency per service type, and a subsequent explanation as to how the increases result in a cost savings for each agency and the commonwealth, and why there is no subsequent decrease in the executive office administrative costs; and provided further, that said report shall provide a detailed explanation and so-called crosswalk of the transition of both funding and staff members from each agency to the executive office in fiscal years 2005 and 2006 for consolidation of centralized services; provided further, that notwithstanding any general or special law to the contrary, the executive office shall adopt regulations which restrict eligibility and covered services only after public notice and hearing; and provided further, that funds in items 4000-0430, 4000-0500, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990 and 4000-1400 shall be made available during the accounts payable period of fiscal year 2006 for services rendered prior to June 30, 2006 ..... 130,341,223

General Fund .....	85.84%
Children's and Seniors'	
Health Care	
Assistance Fund .....	14.16%";

By striking out item 4000-0352 and inserting in place thereof the following item:

"4000-0352 For MassHealth enrollment outreach grants to public and private non-profit groups to be administered by the executive office; provided that the executive office may provide said grants for continuation of the Covering Kids and Families program, so called, including grants to coalitions receiving Covering Kids and Families grants; and provided further, that that the executive office may provide said grants for the Western Massachusetts Health

Access Network, so called, of thirteen community-based organizations to provide enrollment assistance and outreach for MassHealth and other publicly-funded health coverage programs.. 500,000";

By striking out item 4000-0500 and inserting in place thereof the following item:

"4000-0500 For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that said secretary shall take all steps necessary to maximize enrollment in managed care organizations in order to utilize federal dollars available under the federal upper payment limit cap; provided further, that the secretary shall submit a report to the house and senate committees on ways and means which shall include MassHealth enrollment in a managed care organization as of July 1, 2005 compared to said enrollment on December 1, 2005; provided further, that said report shall be submitted not later than December 15, 2005; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new medicaid management information system project, said executive office study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an

effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means not later than February 1, 2006 the results of said study, any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; provided further, that not less than \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; and provided further, that \$11,700,000 shall be expended on disproportionate share payments to high public payer hospitals ..... 2,074,169,186”;

By striking out item 4000-0600 and inserting in place thereof the following item:

“4000-0600 For health care services provided to medical assistance recipients under the department’s senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for the purposes of a demonstration project known as the “community choices” initiative, so-called; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, including case management, from among those services available under the waiver or under the commonwealth’s Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who, pursuant to the aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the department shall establish a funding level that, on a monthly average basis, is equal to fifty per cent of the median monthly per capita expenditure made by the department for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community

services available to the elders under the state plan, provided further, that the interagency agreement shall be amended to implement the demonstration project and shall describe how the funding level will be made available to meet the costs of needed waiver services or other needed community services available to the elders under the state plan; provided further, that the department shall enter into an agreement with each aging service access point participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the executive office of health and human services and to the department of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by the department and the executive office; provided further, that executive office of health and human services shall prepare a report on all relevant costs and savings associated with the demonstration project; provided further, that the report shall be submitted to the house and senate committees on ways and means by April 3, 2006; provided further, that the department shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that effective July 1, 2005 through June 30, 2006, the division of health care finance and policy in collaboration with the department of elder affairs shall establish nursing facility payment rates and fully fund allowable costs using calendar year 2002 base year costs; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall for any nursing home or non-acute chronic disease hos-

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pital that provides kosher food to its residents, establish the lower of (1) actual increased cost; or (2) up to a \$5 per day increase to the standard payment rates to reflect the high dietary costs incurred in providing kosher food and shall apply such increase effective July 1, 2003; provided further, that in the event the division of health care finance and policy conducts or utilizes an audit of nursing facilities' calendar year 2002 base year costs for the purpose of reducing rates below levels that would be in effect in the absence of the audit, the division shall disallow no more than \$22,000,000 in the aggregate in fiscal year 2006 rates; provided further, that effective July 1, 2005, nursing facility Medicaid rates shall be adjusted by no less than \$43,500,000 in the aggregate for the purpose of funding inflationary costs; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003; provided further, that not less than \$2,000,000 shall be expended for the purpose of a housing with services demonstration project known as the "Caring Homes" initiative designed to delay or prevent nursing home placement by providing caregiving services to an elder; and provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office ..... 1,825,981,999";

By striking out item 4000-0620 and inserting in place thereof the following item:

"4000-0620 For the senior care options program; provided, that the secretary of elder affairs may transfer not more than 15 per cent of funds appropriated in this item to item 4000-0600; and provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer ..... 67,998,937";

By inserting after item 4000-0620 (inserted by amendment) the following item:

"4000-0625 For the provision of Title XIX home health services; provided that said appropriation shall be in accordance with 114.3 CMR 50.00 and the funds authorized herein shall be eligible for federal financial participation..... 67,000,000";

By striking out item 4000-0700 and inserting in place thereof the following item:

"4000-0700 For health care services provided to medical assistance recipients under the executive office's

health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated in this item, and provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors ..... 1,580,139,483";

By striking out item 4000-0990 and inserting in place thereof the following item:

"4000-0990 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall pre-screen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the executive office shall maximize federal reimbursements for state expenditures made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; provided further, that the secretary of the executive office shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 10E of said chapter 118E have been paid by all enrollees for whom said premiums are applicable; and provided further,

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that funds may be expended from this item for health care services provided to recipients in prior fiscal years .....	21,078,379
General Fund .....	76.62%
Children's and Seniors'	
Health Care	
Assistance Fund .....	23.38%";

By striking out item 4000-1401;

By striking out item 4000-1405 and inserting in place thereof the following item:

"4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years; provided further, that the secretary of health and human services is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, that no funds may be expended from this item prior to October 1, 2005; provided further, that notwithstanding subsection (3) of section 16D of chapter 118E of the General Laws or any other general or special law to the contrary, a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under this item if such individual meets the categorical and financial eligibility requirements pursuant to this item; provided further, that such individual is either age 65 or older or age 19 to 64 and disabled; provided further, that any such individual shall not be subject to

sponsor income deeming or related restrictions; and provided further, that funds from this item for health care services for said noncitizens may be expended as of the effective date of this act ..... 129,567,170";

By striking item section 16 and inserting in place thereof the following section:

"SECTION 16. Notwithstanding any general or special law to the contrary, expenditures from the Distressed Provider Expendable Trust Fund shall be dedicated to efforts that are designed to improve and enhance the ability of distressed community providers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support and care coordination services, pharmacy management services or other efforts to create effective coordination between hospital care and ambulatory care sites in the community. The secretary of health and human services shall develop emergency regulations governing the recommended uses of said fund in partnership with the Massachusetts League of Community Health Centers and the Massachusetts Hospital Association; provided, however, that the secretary shall provide a \$285,000 one-time grant from the fund for a community, nonprofit, acute care regional teaching hospital located in Worcester county affiliated with the University of Massachusetts Memorial Health Care System; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a hospital located in Hampden county, west of the Connecticut river with under 100 beds that participates in MassHealth; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a community health center that serves as a family practice residency training site for a commonwealth funded medical school and that assumed the primary care services of the former Worcester City Hospital; provided further, that the secretary shall provide a \$3,250,000 one-time grant from the fund for an acute care hospital located in Holyoke that is affiliated with a commonwealth-owned university medical school and that provides clinical training programs for nurses, allied health professionals and technicians through affiliations with community colleges and private universities; provided further, that the secretary shall provide a \$950,000 one-time grant from the fund for a disproportionate share acute care hospital located in the southeastern Massachusetts division of the medical assistance psychiatric service area that operates an inpatient psychiatric unit within the city of Brockton; provided further, that the secretary shall provide a \$350,000 one-time grant from the fund for a community health center located in the Codman Square neighborhood of the Dorchester section of the city of Boston providing health care to medically underserved patients in the Dorchester section of the city of Boston, that has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the secretary shall provide a \$350,000 one-time grant from the fund for a community health center located near the Fields Corner neighborhood of the Dorchester section of the city of Boston, on Dorchester Avenue, providing health care to

medically underserved patients in said Dorchester section of the city of Boston, that has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for an acute care hospital serving the Melrose and Wakefield communities that operates a family health services clinic; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a sole community hospital under the Medicare program located in Barnstable county; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a non-teaching, community, disproportionate share, acute care hospital located in southeastern Massachusetts, which provides inpatient care to over 5,000 MassHealth or MassHealth HMO patients per year; provided further, that the secretary shall provide a \$750,000 one-time grant for Franklin Medical Center in Greenfield; provided further, that the secretary shall provide a \$150,000 one-time grant from the fund for a community health center serving the towns on the Outer and Lower Cape in Barnstable County for the purpose of developing a 340B pharmacy program; provided further, that the secretary shall provide a \$511,000 one-time grant from the fund for a non-profit, disproportionate share community acute care hospital with less than 115 beds that operates an inpatient psychiatric unit licensed by the department of mental health located in southern Worcester County affiliated with the University of Massachusetts Memorial Health Care System; provided further, that the secretary shall provide a \$100,000 one-time grant from the fund for a community health center located in the city of Lynn providing health care to medically underserved and uninsured patients and which provides a 340B pharmacy program; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for a two hospital system located in Hampden county, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a not-for-profit acute care hospital located in the northwestern-most portion of Berkshire County; provided further, that the secretary shall provide a \$150,000 one-time grant from the fund to a nonprofit, acute care community hospital located in Middlesex County that serves a 25 town area extending northwest of Boston to the New Hampshire border, has less than 160 licensed medical surgical beds, provides inpatient psychiatric care, and operates a significant hospital-based paramedic program; provided further, that the secretary shall provide a \$2,000,000 one-time grant from the fund for a disproportionate share hospital provider located in the county formerly known as Essex county that has a family practice residency program in partnership with a federally qualified community health center, which program enhances the coordination of cost-effective care delivery in ambulatory settings and at the hospital to underserved populations; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund for Dimock Community Health Center located in the Egleston Square neighborhood in the Roxbury Section of Boston for health care and tradi-

tional housing to medically underserved patients from the Roxbury, Dorchester, and Jamaica Plain sections of the city of Boston; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a health care center located in the city of Revere affiliated with Massachusetts General Hospital; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund for Whittier Street Community Health Center located in the Roxbury section of Boston for adult and child behavioral health services to homeless, immigrant and refugees populations; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for Wing Memorial Hospital in the town of Palmer; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for Mary Lane Hospital in the town of Ware; provided further, that the secretary shall provide a \$250,000 one-time grant from the fund to a not-for-profit long term acute care hospital located the Roxbury section of the City of Boston; provided further, that the secretary shall provide a \$3,500,000 one-time grant from the fund for a community health center located in East Boston which operates both a PACE program and a 340B pharmacy program; provided further, that the secretary shall provide a \$600,000 one-time grant from the fund for Hubbard Regional Hospital; provided further, that the secretary shall provide a \$250,000 one-time grant from the fund for a community health center located in the North End section of the city of Boston; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund for a community health center located in the south end of boston which is the largest provider of community based mental-health services, and serves significant homeless and latino populations; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for a sole community hospital located in the City of Gardner providing essential community health services and access to care for low-income population in northern Worcester county; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund to a community health center serving the full range of the underserved population throughout the mid-cape area; provided further, that the secretary shall provide a \$5,500,000 one time grant from the fund for a disproportionate share financially distressed community hospital located in Suffolk county with a locked inpatient adolescent psychiatric unit that participates in the MassHealth program; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund to a federally funded section 330 community health center with at least three community health center sites serving medically underserved areas of Dorchester and South Boston, including at least one public housing project; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a teaching hospital located in central Berkshire County; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund for a community health center located in South Boston which is affiliated with the disproportionate share teaching hospital in Suffolk County with the highest volume of free care, which is the primary affiliate of Boston Healthnet, which provides a comprehensive substance abuse program,

and which serves a growing Latino and Albanian population; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a non-profit Visiting Nurse Association located in Boston, that delivers at least 30 per cent of all MassHealth reimbursed skilled nursing visits and at least 50 per cent of all MassHealth reimbursed home health aide services in Suffolk county; provided further, that the secretary shall provide a \$2,000,000 one-time grant from the fund for a disproportionate share teaching hospital located in Hampden County; and provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a hospital located in the city of Everett. The secretary of the executive office of health and human services shall file a report not later than November 1, 2005 to the speaker of the house of representatives, the president of the senate and the house and senate committees on ways and means describing the providers funded or to be funded during fiscal year 2006, the amount expended or to be expended for each provider pursuant to this section, and the extent to which any portion of such expenditures are eligible for federal reimbursement. Any federal reimbursements received by the commonwealth for expenditures made from the fund shall be deposited into said fund.”;

By striking out section 18 and inserting in place thereof the following section:

“SECTION 18. Notwithstanding any general or special law to the contrary, during fiscal year 2006 the executive office of health and human services shall expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount equal to the actual amount paid for fiscal year 2005 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the executive office of health and human services, relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2006. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The executive office of health and human services shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account an amount equal to 55 per cent of the gross amounts of supplemental payments made by the executive office of health and

human services under managed care contracts with the commissions. An amount equal to 9.09 per cent of the total amount that the Boston and Cambridge public health commissions transfer to the medical assistance intergovernmental transfer account pursuant to this section shall be transferred from the medical assistance intergovernmental transfer account and credited to the Distressed Provider Expendable Trust Fund, established pursuant to chapter 241 of the acts of 2004.”;

By striking out section 20 and inserting in place thereof the following section:

“SECTION 20. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2006, the division of health care finance and policy may administer, as provided in this section, the Uncompensated Care Trust Fund established by section 18 of chapter 118G of the General Laws, to collect assessments as specified in section 1 of said chapter 118G for deposit to the fund, and make certain payments to acute hospitals and community health centers from the uncompensated care pool to offset the costs of services provided to uninsured or low income residents. Said division and the executive office of health and human services may promulgate regulations to implement this section.

The division, in consultation with the executive office, shall ensure that assessment liability to the fund and payments from the uncompensated care pool are structured in a manner that would secure for the General Fund the maximum allowable federal reimbursement under Title XIX, XXI, or any successor federal law.

In hospital fiscal year 2006, the total liability of all acute care hospitals to the fund shall be \$160,000,000. The division shall calculate an assessment percentage rate by dividing \$160,000,000 by the projected annual aggregate private sector charges in the fiscal year for all acute care hospitals. Each acute care hospital's liability to the fund shall be equal to the product of the percentage rate and its private sector charges.

In hospital fiscal year 2006, the total surcharge liability of surcharge payers to the Uncompensated Care Trust Fund shall be \$160,000,000. The surcharge amount for each surcharge payer shall be equal to the product of: (a) the surcharge percentage; and (b) amounts paid for services of an acute hospital or ambulatory surgical center by each surcharge payer. The division shall calculate the surcharge percentage by dividing \$160,000,000 by the projected annual aggregate payments subject to surcharge, as defined in said section 1 of said chapter 118G.

All Title XIX federal financial participation revenue generated by hospital payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be credited to the General Fund.

All hospital payments made pursuant to this section shall be subject to federal approval and conditioned on the receipt of full federal financial participation. All such payments shall be established in accordance with Title XIX of the Social Security Act, or any successor federal law, any regulations promulgated thereunder, and the commonwealth's Title XIX state plan.



The division shall calculate an annual payment liability from the uncompensated care pool to each acute care hospital for fiscal year 2006. In determining the liability amount, the division shall (a):

(1) calculate each hospital's actual free care cost for the 12-month period from October 1, 2003 to September 30, 2004 by using each hospital's actual submitted free care charges to the division on the UC-04 times its ratio of costs to charges for pool fiscal year 2004;

(2) project each hospital's free care costs above for Pool Fiscal Year 2005 by using a cost growth factor of 7.6 per cent;

(3) project each hospital's total free care costs for pool fiscal year 2006 by multiplying each hospital's pool fiscal year 2005 projected free care costs from subclause (2) by a cost growth factor of 7.6 per cent; and

(4) take into account such factors as the financial burden of hospitals that provide proportionately the largest volume of free care and the situation of any free-standing pediatric hospital with a disproportionately low volume of Title XVIII payments; and

(b) allocate the available funds in a manner that pays to each hospital a fixed percentage of its projected free care costs for hospital fiscal year 2006, as determined by the division using prior year data and considering the total funds available for the purpose; provided, however, that the fixed percentage shall not be less than 85 per cent of free care costs as defined in said section 1 of said chapter 118G for the two disproportionate share hospitals with the highest relative volume of free care costs in hospital fiscal year 2003, and not less than 88 per cent of free care costs, as defined in said section 1 of said chapter 118G, for the 14 acute hospitals with the next highest relative volume of free care costs in that year; provided further, that in order to identify said 16 hospitals, the division shall rank all hospitals based on the percentage of each hospital's free care costs divided by the total free care costs of all hospitals in the commonwealth. All other acute care hospitals shall receive the highest possible percentage of free care costs given available remaining funds. The hospital fiscal year 2006 annual liability amount to each hospital shall be funded by the trust fund; provided, however, that the liability may be satisfied through either a disproportionate share payment or adjustment to Title XIX service rate adjustment payment, or combination thereof, in accordance with the terms provided for in an agreement entered into by an acute care hospital and the executive office. The comptroller, in consultation with the division and the executive office, shall transfer funds from the trust fund to the executive office for the purpose of the Title XIX service rate adjustment payments.

The executive office may use other federally-permissible funding mechanisms available for publicly-operated hospitals and hospitals with an affiliation with a publicly-operated health care entity to reimburse up to \$70,000,000 of uncompensated care costs at the hospitals using sources distinct from the funding made available to the trust fund under this section.

The executive office shall make payments from the uncompensated care pool for services provided by community health centers to

low income residents. The executive office shall structure such payments to maximize allowable federal reimbursement under Title XIX. Pursuant to section 117 of chapter 140 of the Acts of 2003, all Title XIX federal financial participation revenue generated by community health center payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be retained in a separate account within the Uncompensated Care Trust Fund and expended, without further appropriation, for uncompensated care pool payments to community health centers, in addition to the amount specified in the following paragraph.

In hospital fiscal year 2006, \$466,000,000 from the trust fund shall be credited to the uncompensated care pool for payments to acute hospitals provided for herein. In addition to the federal financial participation to be retained in, and expended from, the trust fund for community health centers pursuant to the preceding paragraph of this section, \$56,000,000 from the trust fund shall be credited to the pool for payments to community health centers provided for in this section; and \$4,000,000 shall be credited for administrative expenses, including demonstration projects pursuant to sections 21 and 22 of chapter 47 of the acts of 1997, as amended by sections 156, 157, and 158 of chapter 184 of the acts of 2002.

In hospital fiscal year 2006, the office of the inspector general is hereby authorized to continue to expend funds appropriated in chapter 240 of the acts of 2004 from the Uncompensated Care Trust Fund for the costs associated with maintaining a pool audit unit within said office. The unit shall continue to oversee and examine the practices in emergency rooms of all Massachusetts' hospitals concerning the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2006. For the purposes of the audits, allowable free care services shall be as provided in chapter 118G of the General Laws and any applicable regulations."; and

By striking out section 24 and inserting in place thereof the following section:

"SECTION 24. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule for making a series of transfers not to exceed \$171,900,000 from the General Fund to the Uncompensated Care Trust Fund for the purpose of making revenues available for the administration of the uncompensated care pool, established under subsection (d) of section 18 of chapter 118G of the General Laws, as appearing in the 2002 Official Edition. Said schedule shall make said transfers in increments as deemed appropriate to meet the cash flow needs of the commonwealth and said uncompensated care pool; provided, that said transfers shall not begin before October 1, 2005 and shall be completed on or before June 30, 2006."

Amendments  
adopted,  
yea and nay  
No. 51.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Walrath of Stow; and on the roll call 148 members voted in the affirmative and 11 in the negative.

**[See Yea and Nay No. 51 in Supplement.]**

Therefore the amendments were adopted.

Recesses.

At twenty-two minutes after three o'clock P.M. (Friday, April 29), on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until five o'clock; and at a quarter after five o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. DeLeo of Winthrop then moved, there being no objection, that the vote be reconsidered by which the House, previously to the recess, adopted amendments (offered by him) of Winthrop in section 2, in items 4000-0300, etc. (see roll call number 51), and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended in section 16 (inserted by amendment), in lines 64, 65 and 66, by striking out the following: "\$1,000,000 one-time grant from the fund for a two hospital system located in the Hampden county, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program" and inserting in place thereof the following: "\$4,000,000 one-time grant from the fund for statewide providers with the service area of the Sisters of Providence Health System and Providence Behavioral Health Hospital;"; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, in item 1102-3301 by striking out the figures "6,474,189" and inserting in place thereof the figures "6,549,189";

In item 0950-0000 by striking out the figures "145,000" and inserting in place thereof the figures "195,000";

By striking out item 1108-5200 and inserting in place thereof the following item:

"1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2006; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year

costs incurred by the state indemnity health insurance plan shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means and the joint committee on healthcare financing the amounts expended from this item for said prior year costs; provided further, that said commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division and the office of the state comptroller, is between \$0 and \$34,999, shall be 85 per cent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division and the office of the state comptroller, is \$35,000 and greater, shall be 80 per cent of such premiums and rates; provided further, that the preceding provisions pursuant to employee contributions shall sunset December 31, 2005 at which time the commonwealth's share of such premiums for active state employees and their

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dependents shall be 85 percent; provided further, that the commonwealth's share of such premiums for active state employees and their dependents who are hired after June 30, 2003 shall be 75 per cent of such premiums and rates; provided further, that the preceding provision pursuant to employee contributions shall sunset December 31, 2005 at which time the commonwealth's share of such premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 percent; provided further, that notwithstanding any general or special law to the contrary, during fiscal year 2005, said commission shall continue to provide health insurance coverage for employees and members of the board of bar examiners, both full-time and part-time, that were employed by said board as of January 1, 2003, consistent with coverage provided to state employees pursuant to this item; and provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year..... 949,010,107";

In item 1232-0100 by striking out the figures "9,200,000" and inserting in place thereof the figures "14,200,000";

In item 1599-3857 by striking out the figures "1,100,000" and inserting in place thereof the figures "1,300,000";

In item 1775-0100 by striking out the figures "1,368,559" and inserting in place thereof the figures "1,468,559";

In item 7006-0010 by striking out the figures "10,995,594" and inserting in place thereof the figures "11,178,594";

In item 7006-0040 by striking out the figures "3,589,022" and inserting in place thereof the figures "4,089,022"; and

In item 9600-0000 by striking out the figures "30,872,678" and inserting in place thereof the figures "32,678,401".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Kaufman of Lexington; and on the roll call 157 members voted in the affirmative and 0 in the negative.

#### [See Yea and Nay No. 52 in Supplement.]

[Mr. deMacedo of Plymouth answered "Present" in response to his name.]

Therefore the amendments were adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 43. Section 350 of chapter 149 of the acts of 2004 is hereby repealed.

SECTION 44. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to section 35

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of chapter 10 of the General Laws shall be the sum of the amount distributed in fiscal year 2005 and: (i) in fiscal year 2006, 45 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (ii) in fiscal year 2007, 75 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable. For fiscal year 2008 and thereafter the distribution of lottery proceeds shall be determined pursuant to section 35 of chapter 10 of the General Laws."

Pending the question on adoption of the amendment, Mr. Hill of Ipswich and other members of the House moved that it be amended [at "A"] by striking out the word "sections" and inserting in place thereof the word "section", and by striking out the sections contained in lines 6 to 18, inclusive, and inserting in place thereof the following section:

"SECTION 43. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to section 35 of chapter 10 of the General Laws shall be the sum of the amount distributed in fiscal year 2005 and: (i) in fiscal year 2006, 45 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (ii) in fiscal year 2007, 65 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (iii) in fiscal year 2008, 85 per cent of the difference between the 2005 distribution and the amount that would otherwise be payable. For fiscal year 2009 and thereafter the distribution of lottery proceeds shall be determined pursuant to section 35 of chapter 10 of the General Laws."

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill; and on the roll call 157 members voted in the affirmative and 0 in the negative.

#### [See Yea and Nay No. 53 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 44. Notwithstanding any general or special law to the contrary, in the event taxable revenue available for appropriation or supplemental appropriation for fiscal year 2006 exceeds \$14,624,039,261, in the absence of any changes in statute relating to taxation enacted after January 15, 2005, the treasurer shall make fifty percent of such excess taxable revenue, up to \$200,000,000, available for distribution to the cities and towns of the commonwealth according to the lottery formula without further appropriation; provided, that the treasurer shall notify the house and senate chairs of the committee on ways and means of any distribution which is made according to this section not less than 30 days prior to the date such distribution is planned."

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After remarks on the question on adoption of the amendment, Ms. St. Fleur of Boston and other members of the House moved that it be amended by striking out the section contained in lines 5 to 15, inclusive and inserting in place thereof the following section:

“SECTION 44. Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue shall study the total amount of tax revenue available for appropriation or supplemental appropriation for fiscal years 1995 through and including 2006; provided further, that such report shall include, but not be limited to, the level of local aid distributed to the cities and towns of the commonwealth for each such fiscal year according to the lottery formula.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 131 members voted in the affirmative and 27 in the negative.

**[See Yea and Nay No. 54 in Supplement.]**

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 32 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 20 percent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided further, that said funds may be used by the municipality to reduce its contribution to said district solely for fiscal year 2006 and said reduction shall not be considered a permanent reduction in required contribution in fiscal year 2007; (3) meet expenses associated with extraordinary increases in enrollment from fiscal year 2002 through fiscal year 2006 calculated on a percentage basis for such municipalities; provided further, that preference shall be given to districts which received no increases in Chapter 70 aid, so-called, notwithstanding said enrollment increases; (4) address the effects of reductions in per pupil chapter 70 aid between

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amendment  
adopted,  
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fiscal year 2002 and fiscal year 2006; provided, that preference in the awarding of such funds shall be given to districts which receive less than 40 per cent of their foundation budgets as chapter 70 aid, and which received reductions in chapter 70 aid between fiscal year 2003 and fiscal year 2004; (5) assist regional school districts which, prior to fiscal year 2006, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2006, will assess member towns using the required contributions calculated pursuant to chapter 70 of the General Laws and section 3 of this act; (6) assist municipalities with median income below the state average and equalized valuation per capita above the state average; provided further, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 20 per cent of their foundation budgets; (7) assist urban districts with high fixed costs and enrollment declines of greater than 3 per cent in fiscal year 2006 resulting in no increase in Chapter 70 aid; (8) meet extraordinary legal costs in excess of \$100,000 arising from successful appeals of decisions rendered by the Bureau of Special Education Appeals; provided further, that any such awards shall be limited to 50% of eligible costs incurred, and in no instance shall exceed \$250,000; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2005; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2007 ..... 2,500,000”;

In item 7061-0008 by striking out the figures “3,260,512,757” and inserting in place thereof the figures “3,288,931,062”; and

By inserting after section 3 the following section:

“SECTION 3B. Notwithstanding section 3 of this act or any general or special law to the contrary, for the fiscal year ending June 30, 2006, there shall be an additional Chapter 70 school aid distribution to cities, towns and regional school districts in the amount of \$28,418,305 to ensure that each municipal and regional school district receives an increase of not less than \$50 per student above the amount of Chapter 70 aid the municipality or school district received in fiscal year 2005 and that this distribution shall be apportioned in accordance with this section.

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District	Additional Chapter 70 Distribution	District	Additional Chapter 70 Distribution
ABINGTON	116,800	CAMBRIDGE	331,100
ACTON	120,700	CANTON	145,950
ACUSHNET	0	CARLISLE	38,950
ADAMS	0	CARVER	100,900
AGAWAM	0	CHARLEMONT	400
ALFORD	0	CHARLTON	0
AMESBURY	132,950	CHATHAM	29,100
AMHERST	0	CHELMSFORD	283,400
ANDOVER	289,750	CHELSEA	67,801
ARLINGTON	216,500	CHESHIRE	0
ASHBURNHAM	0	CHESTER	0
ASHBY	0	CHESTERFIELD	650
ASHFIELD	450	CHICOPEE	0
ASHLAND	122,050	CHILMARK	0
ATHOL	0	CLARKSBURG	9,633
ATTLEBORO	315,400	CLINTON	32,702
AUBURN	115,850	COHASSET	73,350
AVON	28,400	COLRAIN	0
AYER	51,850	CONCORD	96,300
BARNSTABLE	315,500	CONWAY	6,300
BARRE	100	CUMMINGTON	250
BECKET	0	DALTON	750
BEDFORD	118,100	DANVERS	183,250
BELCHERTOWN	0	DARTMOUTH	0
BELLINGHAM	134,000	DEDHAM	135,100
BELMONT	178,400	DEERFIELD	0
BERKLEY	54,450	DENNIS	0
BERLIN	11,100	DIGHTON	0
BERNARDSTON	0	DOUGLAS	0
BEVERLY	225,650	DOVER	31,550
BILLERICA	311,950	DRACUT	208,100
BLACKSTONE	400	DUDLEY	0
BLANDFORD	250	DUNSTABLE	0
BOLTON	0	DUXBURY	159,200
BOSTON	3,136,350	EAST BRIDGEWATER	0
BOURNE	122,500	EAST BROOKFIELD	0
BOXBOROUGH	27,900	EASTHAM	10,650
BOXFORD	45,400	EASTHAMPTON	76,091
BOYLSTON	17,750	EAST LONGMEADOW	137,350
BRAINTREE	248,750	EASTON	186,700
BREWSTER	26,950	EDGARTOWN	20,050
BRIDGEWATER	0	EGREMONT	0
BRIMFIELD	14,900	ERVING	12,050
BROCKTON	0	ESSEX	0
BROOKFIELD	5,764	EVERETT	0
BROOKLINE	292,200	FAIRHAVEN	87,493
BUCKLAND	0	FALL RIVER	0
BURLINGTON	179,700	FALMOUTH	208,600

District	Additional Chapter 70 Distribution	District	Additional Chapter 70 Distribution
FITCHBURG	0	KINGSTON	57,450
FLORIDA	5,150	LAKEVILLE	5,791
FOXBOROUGH	0	LANCASTER	0
FRAMINGHAM	398,650	LANESBOROUGH	13,250
FRANKLIN	0	LAWRENCE	0
FREETOWN	27,950	LEE	38,300
GARDNER	0	LEICESTER	94,300
GAY HEAD	0	LENOX	38,300
GEORGETOWN	0	LEOMINSTER	0
GILL	0	LEVERETT	5,750
GLOUCESTER	203,000	LEXINGTON	301,500
GOSHEN	550	LEYDEN	0
GOSNOLD	350	LINCOLN	34,600
GRAFTON	0	LITTLETON	76,600
GRANBY	7,347	LONGMEADOW	162,200
GRANVILLE	14,650	LOWELL	758,600
GREAT BARRINGTON	0	LUDLOW	0
GREENFIELD	107,450	LUNENBURG	83,150
GROTON	0	LYNN	0
GROVELAND	0	LYNNFIELD	100,600
HADLEY	31,350	MALDEN	0
HALIFAX	0	MANCHESTER	0
HAMILTON	0	MANSFIELD	0
HAMPDEN	0	MARBLEHEAD	0
HANCOCK	0	MARION	20,950
HANOVER	0	MARLBOROUGH	235,550
HANSON	150	MARSHFIELD	0
HARDWICK	0	MASHPEE	105,500
HARVARD	62,150	MATTAPOISETT	24,100
HARWICH	77,800	MAYNARD	65,700
HATFIELD	0	MEDFIELD	0
HAVERHILL	386,050	MEDFORD	254,950
HAWLEY	0	MEDWAY	139,000
HEATH	0	MELROSE	174,900
HINGHAM	178,150	MENDON	0
HINSDALE	450	MERRIMAC	0
HOLBROOK	68,300	METHUEN	0
HOLDEN	0	MIDDLEBOROUGH	180,850
HOLLAND	9,450	MIDDLEFIELD	0
HOLLISTON	142,600	MIDDLETON	0
HOLYOKE	0	MILFORD	199,450
HOPEDALE	52,600	MILLBURY	99,100
HOPKINTON	0	MILLIS	51,849
HUBBARDSTON	0	MILLVILLE	0
HUDSON	127,800	MILTON	175,400
HULL	73,750	MONROE	1,150
HUNTINGTON	550	MONSON	0
IPSWICH	97,700	MONTAGUE	0

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District	Additional Chapter 70 Distribution	District	Additional Chapter 70 Distribution
MONTEREY	0	PRINCETON	0
MONTGOMERY	0	PROVINCETOWN	8,500
MOUNT WASHINGTON	750	QUINCY	428,850
NAHANT	20,350	RANDOLPH	180,100
NANTUCKET	59,950	RAYNHAM	0
NATICK	231,300	READING	11,722
NEEDHAM	234,950	REHOBOTH	0
NEW ASHFORD	0	REVERE	0
NEW BEDFORD	0	RICHMOND	12,800
NEW BRAINTREE	0	ROCHESTER	0
NEWBURY	0	ROCKLAND	129,400
NEWBURYPORT	114,200	ROCKPORT	51,900
NEW MARLBOROUGH	0	ROWE	2,850
NEW SALEM	0	ROWLEY	0
NEWTON	572,250	ROYALSTON	0
NORFOLK	53,950	RUSSELL	0
NORTH ADAMS	98,550	RUTLAND	50
NORTHAMPTON	148,100	SALEM	245,600
NORTH ANDOVER	218,300	SALISBURY	0
NORTH ATTLEBOROUGH	0	SANDSFIELD	0
NORTHBOROUGH	93,350	SANDWICH	198,250
NORTHBRIDGE	0	SAUGUS	155,800
NORTH BROOKFIELD	0	SAVOY	0
NORTHFIELD	0	SCITUATE	0
NORTH READING	0	SEEKONK	112,800
NORTON	0	SHARON	44,392
NORWELL	102,150	SHEFFIELD	0
NORWOOD	184,500	SHELBURNE	0
OAK BLUFFS	0	SHERBORN	24,400
OAKHAM	0	SHIRLEY	34,317
ORANGE	35,700	SHREWSBURY	0
ORLEANS	11,600	SHUTESBURY	7,250
OTIS	0	SOMERSET	132,400
OXFORD	0	SOMERVILLE	283,450
PALMER	0	SOUTHAMPTON	26,850
PAXTON	900	SOUTHBOROUGH	76,600
PEABODY	0	SOUTHBRIDGE	0
PELHAM	5,100	SOUTH HADLEY	0
PEMBROKE	0	SOUTHWICK	0
PEPPERELL	0	SPENCER	2,950
PERU	0	SPRINGFIELD	0
PETERSHAM	0	STERLING	0
PHILLIPSTON	0	STOCKBRIDGE	0
PITTSFIELD	0	STONEHAM	141,400
PLAINFIELD	100	STOUGHTON	110,191
PLAINVILLE	22,113	STOW	0
PLYMOUTH	427,800	STURBRIDGE	39,250
PLYMPTON	11,750	SUDBURY	151,600

District	Additional Chapter 70 Distribution	District	Additional Chapter 70 Distribution
SUNDERLAND	10,350	WHATELY	6,600
SUTTON	81,850	WHITMAN	500
SWAMPSCOTT	107,150	WILBRAHAM	0
SWANSEA	101,850	WILLIAMSBURG	8,950
TAUNTON	0	WILLIAMSTOWN	19,950
TEMPLETON	0	WILMINGTON	185,550
TEWKSBURY	102,646	WINCHENDON	91,050
TISBURY	16,550	WINCHESTER	177,700
TOLLAND	0	WINDSOR	100
TOPSFIELD	0	WINTHROP	95,900
TOWNSEND	0	WOBURN	231,300
TRURO	11,900	WORCESTER	0
TYNGSBOROUGH	0	WORTHINGTON	700
TYRINGHAM	1,600	WRENTHAM	59,200
UPTON	50	YARMOUTH	0
UXBRIDGE	109,300	NORTHAMPTON SMITH	6,200
WAKEFIELD	171,600	ACTON BOXBOROUGH	0
WALES	7,250	ADAMS CHESHIRE	85,700
WALPOLE	185,450	AMHERST PELHAM	98,900
WALTHAM	238,500	ASHBURNHAM	
WARE	67,200	WESTMINSTER	117,650
WAREHAM	166,750	ATHOL ROYALSTON	0
WARREN	0	BERKSHIRE HILLS	58,000
WARWICK	0	BERLIN BOYLSTON	20,150
WASHINGTON	0	BLACKSTONE	
WATERTOWN	124,550	MILLVILLE	107,350
WAYLAND	143,250	BRIDGEWATER	
WEBSTER	0	RAYNHAM	255,643
WELLESLEY	220,600	CHESTERFIELD GOSHEN	8,150
WELLFLEET	7,450	CENTRAL BERKSHIRE	111,650
WENDELL	0	CONCORD CARLISLE	64,950
WENHAM	0	DENNIS YARMOUTH	203,500
WESTBOROUGH	174,000	DIGHTON REHOBOTH	0
WEST BOYLSTON	52,000	DOVER SHERBORN	53,100
WEST BRIDGEWATER	50,050	DUDLEY CHARLTON	0
WEST BROOKFIELD	0	NAUSET	89,650
WESTFIELD	39,845	FARMINGTON RIVER	14,700
WESTFORD	248,050	FREETOWN LAKEVILLE	94,050
WESTHAMPTON	7,650	FRONTIER	37,100
WESTMINSTER	0	GATEWAY	69,900
WEST NEWBURY	0	GROTON DUNSTABLE	142,800
WESTON	113,600	GILL MONTAGUE	61,300
WESTPORT	89,150	HAMILTON WENHAM	71,748
WEST SPRINGFIELD	198,750	HAMPDEN WILBRAHAM	191,850
WEST STOCKBRIDGE	0	HAMPSHIRE	43,050
WEST TISBURY	0	HAWLEMONT	6,950
WESTWOOD	142,200	KING PHILIP	0
WEYMOUTH	0	LINCOLN SUDBURY	75,700

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District	Additional Chapter 70 Distribution	District	Additional Chapter 70 Distribution
MANCHESTER ESSEX	58,700	BLUE HILLS	38,400
MARTHAS VINEYARD	42,400	BRISTOL PLYMOUTH	0
MASCONOMET	105,750	CAPE COD	36,350
MENDON UPTON	0	FRANKLIN COUNTY	0
MOUNT GREYLOCK	31,350	GREATER FALL RIVER	0
MOHAWK TRAIL	67,650	GREATER LAWRENCE	0
NARRAGANSETT	0	GREATER NEW BEDFORD	0
NASHOBA	151,250	GREATER LOWELL	0
NEW SALEM WENDELL	6,900	SOUTH MIDDLESEX	35,450
NORTHBORO		MINUTEMAN	25,750
SOUTHBORO	28,509	MONTACHUSETT	0
NORTH MIDDLESEX	226,300	NORTHERN BERKSHIRE	0
OLD ROCHESTER	60,650	NASHOBA VALLEY	22,150
PENTUCKET	162,600	NORTHEAST	
PIONEER	48,950	METROPOLITAN	0
QUABBIN	0	NORTH SHORE	22,950
RALPH C MAHAR	40,850	OLD COLONY	22,550
SILVER LAKE	87,450	PATHFINDER	0
SOUTHERN BERKSHIRE	46,150	SHAWSHEEN VALLEY	61,600
SOUTHWICK TOLLAND	0	SOUTHEASTERN	0
SPENCER		SOUTH SHORE	0
EAST BROOKFIELD	0	SOUTHERN WORCESTER	0
TANTASQUA	86,800	TRI COUNTY	40,650
TRITON	167,500	UPPER CAPE COD	32,750
UPISLAND	20,500	WHITTIER	50,250
WACHUSETT	75,308	BRISTOL COUNTY	0
QUABOAG	0	ESSEX COUNTY	21,250
WHITMAN HANSON	0	NORFOLK COUNTY	11,550
ASSABET VALLEY	36,050		
BLACKSTONE VALLEY	0	<b>STATE TOTAL</b>	<b>28,418,305*.</b>

Amendments  
adopted,  
yea and nay  
No. 55.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 158 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 55 in Supplement.]**

Therefore the amendments were adopted.

Mrs. Harkins of Needham being in the Chair,—

Mr. DeLeo of Winthrop moved, there being no objection, that the vote be reconsidered by which the House, at the previous session, adopted amendments, offered by him, et als in section 2, in items 7000-9101, etc. (see roll call number 50); and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended by striking out proposed section 5A; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

Mr. DeLeo of Winthrop and other members of the House then moved that it be amended in line item 7002-0700 by striking out the figures “450,126” and inserting in place thereof the figures “530,126”;

By striking out item 7003-0702 and inserting in place thereof the following item:

“7003-0702 For grants to be administered by the department of workforce development; provided, that not less than \$500,000 shall be expended for a high school science teacher training program in biotechnology operated by Commonwealth Corporation; provided further, that not less than \$400,000 shall be expended for the Commonwealth Corporation; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Adjustment Center (VAC) for the continued operation of a job training and placement center; provided further, that \$75,000 shall be expended on the Martin Luther King Jr. Business Empowerment Center in the city of Worcester; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation’s microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$250,000 shall be allocated for the so-called Acre urban revitalization project in the City of Lowell; provided further, that not less than \$250,000 shall be allocated for the so-called Jackson-Appleton-Middlesex plan in the City of Lowell; provided further, that not less than \$300,000 shall be expended for a hospital skill training program to be operated by the Commonwealth Corporation; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response satellite staff at the Massachusetts AFL-CIO; provided further, that not less than \$135,000 shall be expended for 1.5 full-time equivalent incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the support of programs operated by a farm workers’ council serving low income persons and the Hispanic community in western Massachusetts; provided further, that not less than \$300,000 shall be expended for the Jewish Memorial Hospital for the purposes

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of employee skills training and development; provided further, that not less than \$100,000 shall be expended for the MetroWest/495 Corridor Partnership, as successor to the I-495 Technology Initiative; provided further, that not less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$250,000 shall be expended for the Center for Women and Enterprise; provided that \$75,000 shall be expended as a planning grant for the Springfield Health Careers Partnership Program, UMASS/Amherst School of Public Health and Health Sciences; provided further, that not less than \$75,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 per cent match from the private sector; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$350,000 shall be provided to the town of Blackstone for the lake hiawatha area; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Camp, located in the City of Gardner; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$250,000 shall be expended for a gang intervention prevention program called the At-Risk Teens Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$40,000 shall be expended to enhance the economic vitality of the Santilli circle area in Everett; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$250,000 shall be expended for education, career development

and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$150,000 shall be expended to provide employment, training and job placement by Year Up of Boston; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to two times the expenditures from this item; and provided further, that not less than \$65,000 shall be expended for economic and workforce development opportunities in the downtown and waterfront districts in the city of Lynn ..... 5,649,500  
Workforce Training Fund ... 100.0%”;

By striking out item 7003-0803 and inserting in place thereof the following item:

“7003-0803 For the one-stop career centers; provided, that not less than \$2,750,000 shall be expended for the one-stop career centers, that were in existence on May 1, 1997, located in the Boston, Hampden county and the Metro North region service delivery areas and any satellite offices thereof which opened on or before December 1, 1997; and provided further, that \$88,000 shall be expended for a re-entry initiative program within the Hampden Sheriffs Department ..... 4,000,000”;

By inserting after item 7007-0300 the following two items:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth ..... 500,000  
7007-0507 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy ..... 600,000”;

By striking out item 7007-0515 and inserting in place thereof the following item:

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 shall be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998 ..... 550,000”;



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By striking out item 7007-0900 and inserting in place thereof the following item:

“7007-0900 For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury chamber of commerce; provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the Commonwealth’s lost international market share; provided further, that \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$450,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that \$75,000 shall be appropriated to the Waltham Tourism Council; provided further, that \$200,000 shall be expended for Roca, Inc., for early intervention programs for at-risk youth in East Boston, Chelsea and Revere; provided further, that not less than \$25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$40,000 shall be expended for the Newburyport Economic Development Department’s Jump Start Program; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$37,813 shall be expended for the New Bedford Art Museum for tourism promotion; provided further, that not less than \$250,000 shall be expended for the

Route 9/Lakeway Business District through the Lakeway Overlay District Fund in the Town of Shrewsbury; provided further, that \$200,000 shall be expended Mahaiwe Theatre; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$300,000 shall be expended for the Mohawk Theatre; provided further, that not less than \$10,000 shall be provided for the Clark Cemetery on Prospect Street in the Town of Auburn; provided further, that not less than \$25,000 shall be provided for the Auburn Historical Museum in the Town of Auburn; provided further, that not less than \$50,000 shall be provided for the Asa Waters Mansion in the Town of Millbury; provided further, that \$100,000 shall be expended for the Buzzards Bay Village Association; provided further, that not less than \$25,000 shall be expended for the Natural History Museum in the town of Brewster; provided further, that not less than \$30,000 shall be made available for the Historic Woodcock Garrison House and One-Room School House in the town of North Attleboro; provided further, that not less than \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$60,000 shall be expended for New England Puerto Rican Association (NEPRA); provided further, that \$200,000 shall be made available to Franklin for economic development; provided further, that not less than \$50,000 shall be expended for the Cultural Connections Program of the Russian Community Association of Massachusetts in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that not less than \$75,000 shall be expended for the North End Visitor Center in the City of Boston; provided further, that expenditures on international and domestic pro-

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motion and administration shall be separately accounted for in the Massachusetts Management Accounting and Reporting System; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that the office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; provided further, that the office shall make every effort to develop tourism in under-visited regions of the commonwealth; provided further, that not less than \$100,000, subject to 100 percent funding match, shall made available to the Boston Symphony Orchestra venue at Tanglewood; provided further, that not less than \$40,000 shall be expended from this item for the purpose of the operation and the promotion of the Ipswich Shuttle Bus service; provided further, that not less than \$350,000 shall be expended to enhance tourism along the South Lawrence river in the city of Lawrence; provided further, that not less than \$100,000 be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2006 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that not less than \$50,000 shall be expended for the Office of Community Collaborations and Program Development at the New England Conservatory of Music in the city of Boston; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council for tourism marketing and advertising purposes; provided further, that not less than \$250,000 be expended for the Merrimack Valley Chamber of Commerce to establish the Merrimack Valley Chamber Technical Program; provided further, that not less than \$200,000 shall be expended for a grant for From The Top Inc; provided further, that not less than \$200,000 shall be expended for public safety activities in the town of Holbrook; provided further, that not less than \$30,000 shall be expended by the Town of Berkley to continue MITNS, so-called, activities; provided further, that not less than \$125,000 for the nonprofit organization, the Worcester Center for the Performing Arts, Inc; provided further, that not less than \$25,000 shall be expended for the Friends of the

Quabbin, Inc; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts in Boston; and provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod .....	17,596,095
Tourism Fund .....	100.0% ”;

In item 7007-1200 by adding at the end thereof the following: “; provided further, that funds shall be expended on a grant to study the creation, operation, and evaluation of a pilot wireless student learning initiative at the New Boston Pilot School in the City of Boston; and provided further, that funds may be expended on one-time grants-in-aid and development assistance in support of creation and operation of a region-wide broadband initiative in Western Massachusetts”; and

By inserting after item 7007-1200 the following item:

“7007-1300 For the operation of the Massachusetts international trade council .....	960,000
Tourism Fund .....	100.0% ”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues of Westport; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Amendments  
adopted,  
yea and nay  
No. 56.

**[See Yea and Nay No. 56 in Supplement.]**

[Representatives Travis of Rehoboth and Walz of Boston answered “Present” in response to their names.]

Therefore the amendments were adopted.

Mr. Fallon of Malden then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 45. Section 4I of Chapter 7, as appearing in the 2003 Official Edition, is hereby amended by striking out the first three paragraphs in there entirety and inserting in place thereof the following paragraphs:—

There shall be within the executive office for administration and finance, but not under its supervision or control, a commission to be known as the civil service commission, consisting of five members, two of whom because of vocation, employment, occupation or affiliation, can be classified as a bona fide representative of labor; 1 of whom shall have prior experience serving as a town administrator, city manger, selectman or city councilor, with whom the fifth member being appointed by a majority vote by the Auditor, Senate President and Speaker of the House.

Upon the expiration of the term of office of a commissioner of the civil service commission, his successor shall be appointed by the auditor for five years; provided, however, that if such successor is not appointed within sixty days of the expiration of the term of office of a commissioner, the said commissioner shall be deemed to be reappointed to a full term. Not more than three such members of said commission shall be members of the same political party, and, of the members of said commission who are enrolled as members of a political party on the voting list used at the primaries, not more

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than a majority of such members shall be of the same political party. The auditor shall, from time to time, designate one of the members as chairman. The positions of chairman and each other member of the commission shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. The commissioners shall receive their travel and other necessary expenses incurred in attending meetings.”.

The amendment was rejected.

Bill passed to  
be engrossed,  
yea and nay  
No. 57.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call (the Speaker being in the Chair) 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 57 in Supplement.]**

Therefore the bill (House, No. 4001, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. Petruccelli of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

*Adjournment in Memory of Mario Umana.*

The same member then moved that when the House adjourns, it do so in respect to the memory of Mario Umana, a member of the House from Boston from 1949 to 1952, inclusive, and a member of the Senate from 1953 to 1958, inclusive, and from 1961 to 1974, inclusive; and the motion prevailed.

Accordingly, at eleven minutes after eleven o’clock P.M. (Friday, April 29), on further motion of Mr. Petruccelli (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M., in an Informal Session.